

# FEDERAL REGISTER

VOLUME 19

NUMBER 21

Washington, Saturday, January 30, 1954

## TITLE 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 16]

#### PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

##### LIMITATION OF HANDLING

§ 914.316 *Navel Orange Regulation* 16—(a) *Findings*. (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on January 28, 1954, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period speci-

fied herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order*. (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., January 31, 1954, and ending at 12:01 a. m., P. s. t., February 7, 1954, is hereby fixed as follows:

- (i) District 1: 277,200 boxes;
- (ii) District 2: 184,800 boxes;
- (iii) District 3: Unlimited movement;
- (iv) District 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(4) As used in this section "handled," "handler," "boxes," "prorate base," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 29th day of January 1954.

[SEAL]

S. R. SMITH,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

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# FEDERAL REGISTER

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| <b>PRORATE BASE SCHEDULE</b>                                            |
| [12:01 a. m., P. s. t., Jan. 31 to 12:01 a. m., P. s. t., Feb. 7, 1954] |

| NAVEL ORANGES                           |                        |
|-----------------------------------------|------------------------|
| PRORATE DISTRICT NO. 1                  |                        |
| Handler                                 | Prorate base (percent) |
| Total.....                              | 100.0000               |
| A. N. F. Lindsay.....                   | 1.5318                 |
| A. N. F. Porterville.....               | 1.5489                 |
| Ivanhoe Cooperative Association.....    | .6963                  |
| Anderson Packing Co.....                | 1.0367                 |
| Euclid Avenue Orange Association.....   | .7010                  |
| Lindsay Mutual Groves.....              | .8851                  |
| Martin Ranch.....                       | 1.4485                 |
| Orange Cove Orange Growers.....         | 2.7674                 |
| Woodlake Packing House.....             | 2.0152                 |
| Dofflemyer & Son, W. Todd.....          | .5139                  |
| Earliest Orange Association.....        | 1.7748                 |
| Elderwood Citrus Association.....       | .9128                  |
| Exeter Citrus Association.....          | 4.0885                 |
| Exeter Orange Growers Association.....  | 1.5088                 |
| Exeter Orchards Association.....        | 1.4844                 |
| Hillside Packing Association.....       | 1.9161                 |
| Ivanhoe Mutual Orange Association.....  | 1.3583                 |
| Klink Citrus Association.....           | 4.1099                 |
| Lemon Cove Association.....             | .9742                  |
| Lindsay Citrus Growers Association..... | 1.8119                 |

| PRORATE BASE SCHEDULE—Continued                |                        |
|------------------------------------------------|------------------------|
| NAVEL ORANGES—continued                        |                        |
| PRORATE DISTRICT NO. 1—continued               |                        |
| Handler                                        | Prorate base (percent) |
| Lindsay Cooperative Citrus Association.....    | 1.6171                 |
| Lindsay Fruit Association.....                 | 2.3598                 |
| Lindsay Orange Growers Association.....        | .8395                  |
| Naranjo Packing House Co.....                  | 1.4719                 |
| Orange Cove Citrus Association.....            | 4.1418                 |
| Orange Packing Co.....                         | .9993                  |
| Orosi Pothill Citrus Association.....          | 1.6282                 |
| Paloma Citrus Fruit Association.....           | .8048                  |
| Rocky Hill Citrus Association.....             | 1.7259                 |
| Sanger Citrus Association.....                 | 3.5120                 |
| Sequoia Citrus Association.....                | .8796                  |
| Stark Packing Co.....                          | 2.7340                 |
| Visalia Citrus Association.....                | 2.3903                 |
| Waddell & Son.....                             | 2.5785                 |
| Baird-Neece Corp.....                          | 1.9694                 |
| Beattie Association, D. A.....                 | .7123                  |
| Grand View Heights Citrus Association.....     | 3.2050                 |
| Magnolia Citrus Association.....               | 2.8410                 |
| Porterville Citrus Association.....            | 1.6943                 |
| Randolph Marketing Co.....                     | .6713                  |
| Richgrove-Jasmine Citrus Association.....      | 1.4416                 |
| Strathmore Cooperative Citrus Association..... | 1.0286                 |
| Strathmore District Orange Association.....    | 1.7286                 |
| Strathmore Packing House.....                  | 2.2157                 |
| Sunflower Citrus Growers.....                  | 2.6713                 |
| Sunland Packing House Co.....                  | 2.8738                 |
| Terra Bella Citrus Association.....            | 1.3279                 |
| Tule River Citrus Association.....             | 1.1423                 |
| Adams, Thomas.....                             | .0070                  |
| Baker Ranch Packing House.....                 | .1703                  |
| Batkins Jr., Fred A.....                       | .0216                  |
| California Citrus Groves, Inc., Ltd.....       | 2.5768                 |
| Darby, Fred J.....                             | .0245                  |
| Dubendorf, John.....                           | .1538                  |
| Evans Bros. Packing Co.....                    | .4397                  |
| Far West Produce Distributors.....             | .0635                  |
| Feltes, A. E.....                              | .0204                  |
| Foothill Packing Co.....                       | .0379                  |
| Haas & Perry.....                              | .1979                  |
| Harding & Leggett.....                         | 1.8892                 |
| Independent Growers, Inc.....                  | .9119                  |
| Lo Bue Bros.....                               | .5507                  |
| Mnas, W. A.....                                | .1316                  |
| Marks, W. & M.....                             | .4710                  |
| Morin, Carl W.....                             | .0212                  |
| Orange Belt Fruit Distributors.....            | .6335                  |
| Paramount Citrus Association.....              | 1.8472                 |
| Reimers, Don H.....                            | .5823                  |
| Riverside Fruit Co.....                        | .2270                  |
| Sequoia Cider Mill.....                        | .0174                  |
| Stephens & Cain.....                           | .3096                  |
| Zaninovich Bros., Inc.....                     | 1.6829                 |

| PRORATE DISTRICT NO. 2                       |                        |
|----------------------------------------------|------------------------|
| Handler                                      | Prorate base (percent) |
| Total.....                                   | 100.0000               |
| A. N. F. Corona.....                         | .5196                  |
| A. N. F. Fullerton.....                      | .0205                  |
| A. N. F. Orange.....                         | .0177                  |
| A. N. F. Riverside.....                      | 1.4388                 |
| A. N. F. Santa Paula.....                    | .1282                  |
| Eadington Fruit Co.....                      | .8026                  |
| Signal Fruit Association.....                | 1.1943                 |
| Bryn Mawr Mutual Orange Association.....     | .4713                  |
| Chula Vista Mutual Lemon Association.....    | .1059                  |
| Daniels Inc., Ward.....                      | .3322                  |
| Euclid Avenue Orange Association.....        | 2.8879                 |
| Foothill Citrus Union, Inc.....              | .2891                  |
| Garden Grove Citrus Association.....         | .0000                  |
| Index Mutual Association.....                | .0196                  |
| La Verne Cooperative Citrus Association..... | 3.0085                 |
| Olive Hillside Groves, Inc.....              | .0061                  |
| Orange Cooperative Citrus Association.....   | .0210                  |
| Redlands Pothill Groves.....                 | 2.6406                 |

## PRORATE BASE SCHEDULE—Continued

## NAVEL ORANGES—continued

## PRORATE DISTRICT NO. 2—continued

| Handler                                    | Prorate base (percent) |
|--------------------------------------------|------------------------|
| Redlands Mutual Orange Association         | 1.3053                 |
| Arusa Citrus Association                   | .8315                  |
| Covina Citrus Association                  | 1.9016                 |
| Glendora Citrus Association                | 1.6308                 |
| Valencia Heights Orchard Association       | .3805                  |
| Gold Buckle Association                    | 4.3846                 |
| La Verne Orange Association                | 4.6312                 |
| Anahelm Valencia Orange Association        | .0120                  |
| Fullerton Mutual Orange Association        | .2839                  |
| La Habra Citrus Association                | .0857                  |
| Yorba Linda Citrus Association             | .0803                  |
| El Cajon Valley Citrus Association         | .1561                  |
| Escondido Orange Association               | .6207                  |
| Citrus Fruit Growers                       | .6322                  |
| Cucamonga Mesa Growers                     | .9154                  |
| Etiwanda Citrus Fruit Association          | .1337                  |
| Upland Citrus Association                  | 3.2945                 |
| Consolidated Orange Growers                | .0210                  |
| Garden Grove Citrus Association            | .0202                  |
| Goldenwest Citrus Association              | .1743                  |
| Olive Heights Citrus Association           | .0596                  |
| Santiago Orange Growers Association        | .1072                  |
| Villa Park Orchards Association            | .0376                  |
| Bradford Bros., Inc.                       | .2012                  |
| Placentia Mutual Orange Association        | .1548                  |
| Placentia Orange Growers Association       | .2367                  |
| Yorba Orange Growers Association           | .0484                  |
| Corona Citrus Association                  | 1.0081                 |
| Jameson Co.                                | .5601                  |
| Orange Heights Orange Association          | 4.0343                 |
| Crafton Orange Growers Association         | 1.8006                 |
| East Highlands Citrus Association          | .5218                  |
| Redlands Heights Groves                    | .8569                  |
| Redlands Orangedale Association            | 1.1069                 |
| Rialto-Fontana Citrus Association          | .1991                  |
| Bryn Mawr Fruit Growers Association        | 1.2313                 |
| Mission Citrus Association                 | .8541                  |
| Redlands Cooperative Fruit Association     | 2.1788                 |
| Redlands Orange Growers Association        | 1.5138                 |
| Redlands Select Groves                     | .4977                  |
| Rialto Orange Co.                          | .4558                  |
| Southern Citrus Growers                    | 1.1737                 |
| United Citrus Growers                      | .9762                  |
| Arlington Heights Citrus Co.               | 1.6242                 |
| Blue Banner, Inc.                          | 2.6508                 |
| Brown Estate, L. V. W.                     | 2.2590                 |
| Gavilan Citrus Association                 | 2.1389                 |
| McDermont Fruit Co.                        | 1.6845                 |
| Monte Vista Citrus Association             | 1.7396                 |
| National Orange Co.                        | 1.6853                 |
| Riverside-Highgrove Citrus Association     | 1.8393                 |
| Victoria Avenue Citrus Association         | 3.1740                 |
| Claremont Citrus Association               | .6416                  |
| College Heights Orange & Lemon Association | 2.1506                 |
| Indian Hill Citrus Association             | 1.0294                 |
| Pomona Fruit Growers Exchange              | 1.2047                 |
| Walnut Fruit Growers                       | .6250                  |
| West Ontario Citrus Association            | .8335                  |
| Escondido Cooperative Citrus Association   | .1058                  |
| Camarillo Citrus Association               | .0041                  |
| Fillmore Citrus Association                | 1.0688                 |
| Mupu Citrus Association                    | .0043                  |
| Ojai Orange Association                    | 1.0251                 |
| Piru Citrus Association                    | 1.2911                 |
| Rancho Sespe                               | .0014                  |
| San Fernando Fruit Growers Association     | .4499                  |

## PRORATE BASE SCHEDULE—Continued

## NAVEL ORANGES—continued

## PRORATE DISTRICT NO. 2—continued

| Handler                                  | Prorate base (percent) |
|------------------------------------------|------------------------|
| Santa Paula Orange Association           | 0.0457                 |
| Ventura County Citrus Association        | .0410                  |
| East Whittier Citrus Association         | .0041                  |
| North Whittier Heights                   | .1311                  |
| Placentia Cooperative Orange Association | .2204                  |
| Sierra Madre-Lamanda Citrus Association  | .0724                  |
| A. J. Packing Co.                        | .1561                  |
| Babijuce Corp. of California             | .0438                  |
| Cherokee Citrus Co., Inc.                | 1.0675                 |
| Dunning, Vera Hueck                      | .1794                  |
| Evans Brothers Packing Co.               | 1.1377                 |
| Far West Produce Distributors            | .0356                  |
| Gold Banner Association                  | 2.4222                 |
| Gold Seal Producers, Inc.                | .0745                  |
| Granada Packing House                    | .1370                  |
| Holland, M. J.                           | .0216                  |
| Orange Belt Fruit Distributors           | .7132                  |
| Panno Fruit Co., Carlo                   | .0538                  |
| Paramount Citrus Association             | .1017                  |
| Placentia Orchards Association           | .0000                  |
| Riverside Fruit Co.                      | .3696                  |
| San Antonio Orchards Co.                 | 1.1885                 |
| Smallwood, Luella L.                     | .0086                  |
| Spire, Frank S.                          | .0096                  |
| Stephens & Cain                          | .2512                  |
| Wall, E. T., Grower-Shipper              | 2.1086                 |
| Western Fruit Growers, Inc.              | 5.0781                 |

[F. R. Doc. 54-688; Filed, Jan. 29, 1954; 11:24 a. m.]

## [Grapefruit Reg. 193]

## PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

## LIMITATION OF SHIPMENTS

§ 933.662 *Grapefruit Regulation*  
 193—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than February 1, 1954. Shipments of grapefruit, grown in the

State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until February 1, 1954, the recommendation and supporting information for continued regulation subsequent to January 31, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 26; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 1, 1954, and ending at 12:01 a. m., e. s. t., February 15, 1954, no handler shall ship:

(i) Any seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(ii) Any seedless grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(iii) Any white seeded grapefruit, grown in the State of Florida, that grade U. S. No. 2 or U. S. No. 2 Bright, which are of a size smaller than a size that will pack 54 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any white seeded grapefruit, grown in the State of Florida, that grade U. S. No. 1 Russet, U. S. No. 1 Bronze, U. S. No. 1 Golden, U. S. No. 1, U. S. No. 1 Bright or U. S. Fancy, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vi) Any pink seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vii) Any white seedless grapefruit, grown in the State of Florida, that grade U. S. No. 2, U. S. No. 2 Bright, or U. S. No. 2 Russet which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(viii) Any white seedless grapefruit, grown in the State of Florida, that grade

U. S. No. 1 Russet, U. S. No. 1, U. S. No. 1 Bronze, U. S. No. 1 Golden, U. S. No. 1 Bright or U. S. Fancy which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 1," "U. S. No. 1 Bronze," "U. S. No. 1 Golden," "U. S. No. 1 Bright," "U. S. Fancy," "U. S. No. 2," "U. S. No. 2 Bright," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 27th day of January 1954.

[SEAL] S. R. SMITH,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[F. R. Doc. 54-657; Filed, Jan. 29, 1954;  
8:49 a. m.]

[Orange Reg. 249]

#### PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

##### LIMITATION OF SHIPMENTS

§ 933.663 *Orange Regulation 249—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than February 1, 1954. Shipments of all oranges, except Temple

oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until February 1, 1954; the recommendation and supporting information for continued regulation subsequent to January 31, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 26; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 1, 1954, and ending at 12:01 a. m., e. s. t., February 22, 1954, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any oranges, except Temple oranges and Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack in a standard nailed box; or

(iii) Any Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type, grown in the State of Florida, which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack in a standard nailed box.

(2) As used in this section, the terms "handler," "ship," "Temple oranges," "Valencia, Lue Gim Gong, and similar late-maturing oranges of the Valencia type" and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet" and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§§ 51.1140 to 51.1186 of this title).

(3) Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 244 (§ 933.647; 18 F. R. 7380).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 27th day of January 1954.

[SEAL] S. R. SMITH,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[F. R. Doc. 54-655; Filed, Jan. 29, 1954;  
8:48 a. m.]

[Tangerine Reg. 146]

#### PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

##### LIMITATION OF SHIPMENTS

§ 933.664 *Tangerine Regulation 146—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than February 1, 1954. Shipments of tangerines grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until February 1, 1954; the recommendation and supporting information for continued regulation subsequent to January 31, 1954, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 26; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during

the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 1, 1954, and ending at 12:01 a. m., e. s. t., July 31, 1954, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 246 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19½ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2," and "standard pack," shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 27th day of January 1954.

[SEAL] S. R. SMITH,  
Director, Fruit and Vegetable  
Division, Agricultural Mar-  
keting Service.

[F. R. Doc. 54-656; Filed, Jan. 29, 1954;  
8:49 a. m.]

[Lemon Reg. 522]

#### PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

##### LIMITATION OF SHIPMENTS

§ 953.629 *Lemon Regulation 522—*  
(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication

thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on January 27, 1954, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., January 31, 1954, and ending at 12:01 a. m., P. s. t., February 7, 1954, is hereby fixed as follows:

- (i) District 1: 35 carloads;
  - (ii) District 2: 190 carloads;
  - (iii) District 3: Unlimited movement.
- (2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 521 (19 F. R. 412) and made a part hereof by this reference.

(3) As used in this section, "handler," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 28th day of January 1954.

[SEAL] S. R. SMITH,  
Director, Fruit and Vegetable  
Division, Agricultural Market-  
ing Service.

[F. R. Doc. 54-663; Filed, Jan. 29, 1954;  
8:53 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 6094]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

MERCANTILE STORES CO., INC., ET AL.

Subpart—*Misbranding or mislabeling:*  
§ 3.1255 *Manufacture or preparation;*  
§ 3.1290 *Qualities or properties.* Sub-  
part—*Using misleading name—Goods:*  
§ 3.2310 *Manufacture or preparation;*  
§ 3.2325 *Qualities or properties.* In con-  
nection with the offering for sale, sale,  
and distribution in commerce of shoes  
now designated as "Health-Flex", or any  
other shoe of substantially the same con-  
stitution, (1) using the name "Health-  
Flex" or any name in which the word  
"Health" appears as a trade or brand  
name therefor; and (2) representing, di-  
rectly or by implication, that the said  
shoes are constructed in such a manner  
that their use will prevent or correct ab-  
normalities, deformities, or ailments of  
the feet or will keep the feet healthy;  
prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Inter-  
prets or applies sec. 5, 38 Stat. 719, as  
amended; 15 U. S. C. 45) [Cease and desist  
order, Mercantile Stores Company, Inc., et al.,  
Wilmington, Del., Docket 6094, December 21,  
1953]

*In the Matter of Mercantile Stores Com-  
pany, Inc., a Corporation, and Mer-  
cantile Stores Company, Inc. (N. Y.),  
a Corporation*

Pursuant to the provisions of the Fed-  
eral Trade Commission Act, the Federal  
Trade Commission, on April 24, 1953,  
issued and subsequently served its com-  
plaint in this proceeding upon the re-  
spondents named in the caption hereof,  
charging them with the use of unfair and  
deceptive acts and practices in commerce  
in violation of the provisions of said act.  
The respondents filed a joint answer ad-  
mitting all of the material allegations of  
the complaint and waiving all interven-  
ing procedure and further hearing as to  
the said facts, but reserving the right to  
withdraw said answer if the Commission  
failed to grant respondents' request for  
an extension of the effective date of any  
order to cease and desist which might be  
entered to a date specified by respond-  
ents. On July 24, 1953, the hearing ex-  
aminer filed his initial decision.

The Commission, having reason to be-  
lieve that said initial decision did not  
constitute an adequate and appropriate  
disposition of this matter, subsequently  
placed this case on its own docket for re-  
view. On October 5, 1953, the respond-  
ents filed their consent to the withdrawal  
of the portion of their admission answer  
relating to the effective date of the order  
to cease and desist which might be en-  
tered, and the Commission, on November  
9, 1953, issued, and thereafter served  
upon the parties, its order setting time  
within which objections to a tentative  
decision of the Commission attached to  
said order, and reply thereto, might be  
filed. No objections having been filed

within the time permitted, the proceeding regularly came on for final consideration by the Commission upon the record herein on review; and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts,<sup>1</sup> conclusion drawn therefrom, and order, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That the respondents, Mercantile Stores Company, Inc., a corporation, and Mercantile Stores Company, Inc. (N. Y.), a corporation, their officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of shoes now designated as "Health-Flex," or any other shoe of substantially the same constitution, do cease and desist from:

1. Using the name "Health-Flex" or any name in which the word "Health" appears as a trade or brand name therefor.

2. Representing, directly or by implication, that the said shoes are constructed in such a manner that their use will prevent or correct abnormalities, deformities, or ailments of the feet or will keep the feet healthy.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 21, 1953.

By the Commission.

[SEAL] ALEX. AKERMAN, JR.,  
Secretary.

[F. R. Doc. 54-654; Filed, Jan. 29, 1954;  
8:48 a. m.]

## TITLE 39—POSTAL SERVICE

### Chapter I—Post Office Department

#### PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

##### MISCELLANEOUS AMENDMENTS

In Part 35, Provisions Applicable to the Several Classes of Mail Matter, make the following changes:

a. In § 35.14 *Inflammable substances* add new paragraph (h) to read as follows:

(h) *Safety matches, deodorizing (strike-only-on-the-box variety).* (1) Deodorizing matches with ignition temperature of not less than 338° F. dipped in incense composition extending not over five-eighths of an inch along the stem which will burn with progressive low sparkling ignition are acceptable in good quality paperboard boxes (not less than 18 point) with quantity restriction of not to exceed 40 regular size match sticks in one box and not to exceed 12

boxes in one aluminum-foil or asbestos-lined shipping carton of approved manufacture, provided that when more than 3 boxes are contained in a shipping carton the boxes in units of not more than 3 shall be in sleeves of good quality paperboard.

(2) Shipping cartons shall comply with paragraph (f) (2) (i) and (ii) as to construction, wall strength and taped flaps.

(R. S. 161, 396, sec. 24, 20 Stat. 361, secs. 304, 309, 42 Stat. 24, 25, 62 Stat. 781, as amended; 5 U. S. C. 22, 369, 18 U. S. C. 1716, 39 U. S. C. 250)

b. In § 35.16 *Motion-picture films* redesignate paragraphs (l) and (m) as paragraphs (m) and (n), respectively, and insert new paragraph (l) to read as follows:

(l) *Sacking of parcels bearing yellow-caution labels.* Parcels bearing yellow caution labels shall be sacked when the weight of an individual parcel does not exceed 35 pounds and there are two or more parcels available for dispatch in the sack. Parcels which would not be damaged by the metal cans of film or which would not cause damage to other parcels in the sack may be sacked with motion-picture film or with other parcels bearing yellow caution labels.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 62 Stat. 781, as amended; 5 U. S. C. 22, 369; 18 U. S. C. 1716)

c. In § 35.19 *Perishable articles* delete present paragraph (e), and redesignate paragraph (f) as paragraph (e).

(R. S. 161, 396, sec. 24, 20 Stat. 361; secs. 304, 309, 42 Stat. 24, 25; 62 Stat. 781, as amended; 5 U. S. C. 22, 369, 18 U. S. C. 1716; 39 U. S. C. 250)

d. In § 35.29 *Containers, packing, closures, labeling and endorsements; general requirements* amend paragraph (d) to read as follows:

(d) *Matter for dispatch outside of mail bags; (air parcel post not included in these instructions)—(1) Acceptance and endorsement.* Parcels properly prepared for mailing which require handling outside of mail bags are those which by reason of their size, weight, nature, or condition, cannot be safely handled inside of mail sacks without damaging them or other mail matter. Such parcels shall be plainly marked by individual mailers or labeled by firm mailers, when necessary, as to contents. Such parcels from individual mailers shall be stamped "Outside Mail" by the accepting employee as provided in § 35.11a. Firm mailers shall provide labels in accordance with subparagraphs (3) and (4) of this paragraph. The dispatch of parcels outside of mail bags due to inadequate packing is not permissible.

(2) *Dispatch.* Parcels which should be dispatched and transported outside of mail bags are listed in the following paragraphs. The "Outside Mail" label or endorsement is not required unless its use is indicated by footnote reference.

(i) *Size.* (a) *Parcels which would completely fill a sack or are too large to go in a sack.*

(b) *Parcels exceeding 34 inches in length, except in the case of nonfragile lightweight bar-shaped articles such as mailing tubes, levels, umbrellas, curtain rollers, venetian blinds and small trees, when length shall exceed 38 inches.*

(c) *Parcels containing pipes or bars or similar articles of heavy metal over 25 inches in length. (When weight is over 8 pounds see subdivision (ii) (d) of this subparagraph.)*

(d) *Fluorescent tubes, narrow glass shelves, candles, and similar shaped fragile articles over 25 inches in length.*

(e) *Window or picture glass, or mirrors, or similar articles with wide expanse of glass measuring over 12 x 18 inches (192 square inches).*

(f) *Fragile phonograph records with 16 inch diameter or larger, and flexible phonograph records with 21 inch diameter or larger.*

(ii) *Weight.* (a) *Parcels weighing over 35 pounds.*

(b) *Small, heavy parcels, weighing over 15 pounds containing roller bearings, nuts, bolts, wrenches, pipes, machinery parts, castings, or other articles of similar weight per cubic foot.*

(c) *Small, heavy wooden boxes weighing over 8 pounds, with sharp corners which might damage other sacked mail.*

(d) *Matter such as heavy metal boxes, heavy castings or machinery parts, weighing over 8 pounds which is not wrapped or boxed.*

NOTE: Such matter of lesser weight and under 25 inches in length shall be properly padded in a strong shipping container in order that it may be sacked without damage to other sacked mail.

(iii) *Liquids.* Parcels containing mailable nonhazardous liquids with total content in excess of 24 fluid ounces in glass container or containers, or 1 gallon or more in metal container or containers.

(iv) *Perishable.* (a) *Eggs, day-old fowl, cut flowers, honey bees in cages, queen bees when 24 or more individual cages are fastened together to form one parcel, soft crabs, shellfish, soft fruits such as tree ripened peaches, tree ripened nectarines or tree ripened plums; or soft berries such as raspberries or strawberries.*

(b) *Alligators, frogs, baby turtles, chameleons and other mailable harmless live creatures during period from April 1 to October 31 of each year.*

(v) *Hazardous.* Parcels required to have a red caution label.

NOTE: Parcels with yellow caution labels are sacked in accordance with § 35.16 (f).

(vi) *Miscellaneous.* Matter which is not wrapped or boxed such as bicycle wheels or rolls of wire.

(3) *Approved labels.* Parcels from firm mailers, and mentioned in subparagraph (2) of this paragraph as requiring handling outside of mail bags, may be accepted if an approved label is so-

<sup>1</sup> "Outside Mail" label or endorsement required if of sackable size.

<sup>2</sup> "Outside Mail" label or endorsement required.

<sup>3</sup> "Outside Mail" label or endorsement required if nature of contents is not plainly evident.

<sup>1</sup> Filed as part of original document.

curely attached thereto adjacent to the address. The label shall be rectangular in shape, approximately 1½ x 2½ inches in size, and the background shall be of dull red color (color similar to red caution label). It shall bear in black print the inscription "Outside Mail" and, in a space provided under these words, shall bear an approved endorsement as to contents. The colors specified in this label (black print on a red background) shall not be used on labels on matter which is not classed as outside matter under the regulations. The stamp "Outside Mail" mentioned in subparagraph (2) of this paragraph shall not be used by either firm or individual mailers as its use is restricted to postal employees.

(4) *Examples of labels*—(1) *General*. Labels to be used by firm mailers on matter shown in subparagraph (2) of this paragraph are: "Outside Mail—Weight over 35 pounds"; "Outside Mail—Weight over 15 pounds (heavy metal parts)"; "Outside Mail—Soft Fruits or Berries"; "Outside Mail—Fragile—Phonograph Records—Diameter 16 inches or larger"; "Outside Mail—Fragile—Mirror or Glass—Dimensions larger than 12 x 16 inches"; "Outside Mail—Heavy Metal Bar-Shaped Items—Over 25 inches long." An endorsement on a label such as "Contents meet the requirements for handling outside of mail bags" is not permitted. The "Outside Mail" label does not eliminate need for the "Perishable" or "Fragile" endorsement unless such endorsement is incorporated on the label. The label "This Side Up" may be used in conjunction with the label "Outside Mail." If desired by mailers, on parcels containing liquids or other matter which would present less of a hazard to other mails if carried in a certain position.

(ii) *Liquids*. (a) *Parcels containing mailable liquids (nonflammable and nontoxic) with total content exceeding 24 fluid ounces in glass container or containers, or 1 gallon or more in metal container or containers, may be labeled "Outside Mail—Fragile—Liquid—Over 24 ounces in glass container or 1 gallon or more in metal container."* However, concerns mailing only liquids in glass should use a label showing the type of container. If preferred, the actual liquid content and type of container may be stated in addition to "Outside Mail—Fragile—Liquid."

(b) *Parcels containing mailable liquids (nonflammable and nontoxic) with total content less than that noted in (a) of this subdivision may be labeled "Fragile—Liquid—Not over 24 ounces in glass container or less than 1 gallon in metal container."* If preferred, the actual liquid content and type of container may be stated. The use of a separate label for this quantity of liquid is not required when the desired information is incorporated on the address label. When not more than 8 ounces of liquid are contained in a small parcel of corresponding size, the endorsement "Fragile—Liquid" is considered sufficient. Parcels from individual mailers containing liquids in quantities which are to be sacked, may be stamped "Fragile—Liquid" by the accepting clerk. A red label with black print, as mentioned in subparagraph (3) of this paragraph

must not be used on parcels containing this quantity of liquid.

(5) *Labels or markings*. Labels or markings printed on cartons, on gummed tape, or on the wrappers of parcels are not permitted in lieu of the required label shown in subparagraph (3) of this paragraph or in lieu of the red or yellow caution label mentioned in subparagraph (2) (v) of this paragraph.

(6) *Acceptance*. Parcels improperly marked or labeled for handling outside of mail bags are not acceptable. Periodic checks are made on firm mailings to insure proper labeling thereof. Improper markings or labeling must be obliterated by the mailer before the parcel may be accepted or dispatched from the office of origin if detected after acceptance.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, 62 Stat. 781, as amended; 5 U. S. C. 22, 369, 18 U. S. C. 1716)

[SEAL]

LOUIS J. DOYLE,  
Acting Solicitor.

[F. R. Doc. 54-643; Filed, Jan. 29, 1954;  
8:46 a. m.]

#### PART 97—STAR, STEAMSHIP, AND STEAMBOAT ROUTES, AND VEHICLE SERVICE IN CITIES

##### CONTRACTS FOR VEHICLE SERVICE

In Part 97, Star, Steamship, and Steamboat Routes, and Vehicle Service in Cities, insert between § 97.11 *Transportation of mails by screen-vehicle service*, and § 97.12 *Four contract sections of United States new* § 97.11a to read as follows:

§ 97.11a *Contracts for vehicle service*—(a) *Hourly rate contracts*. (1) No obligations or expenditures for vehicle service on an hourly rate basis may be incurred without the prior approval of the Bureau of Facilities, Division of Vehicles, and not until the necessary funds for the class of service involved, shall have been granted.

(2) *Contracts for the hire of vehicles for mail service* shall be entered into only after bids have been invited by public advertisement on Form VS-68, properly completed. (See § 137.28, of this chapter.) Each advertisement must be posted on the bulletin board at the post office, stations and branches. Diligent effort must be made to secure the widest possible competition from eligible postal employees, persons, and firms not connected with the Postal Service, and as the result of publicity as a news item but only without cost to the Department. All hourly rate contracts will be for a period of not exceeding 1 year, terminable by the Department or the postmaster acting in its behalf, upon 1 day's notice and by the contractor at any time after giving the postmaster 30 days' notice. Contracts may not be terminated by contractors until they have been in operation 30 days or longer.

(3) *The advertisement should indicate the estimated number of hours the equipment will be required daily, including loading time, but excluding standing and swing time. In determining the*

number of hours of vehicle service required daily under the contract for each class of service, consideration should be given to utilization to the fullest possible extent of Government-owned trucks of suitable capacity and vehicles under annual rate contracts if available for extra service.

(4) *Bids must be prepared in triplicate, signed in ink, and the lowest bid received accepted by the postmaster as contracting officer for the Department, provided the rate is satisfactory for the service to be performed. If a proposal at a reasonable rate cannot be obtained, a full statement of the facts should be presented to the Bureau of Facilities, Division of Vehicles, before actually consummating the contract. Erasures in proposals must bear a statement on the margin of the proposal signed by the bidder as follows: "I hereby certify that the correction(s) was made by me before the proposal was submitted in response to the advertisement."*

(5) *Each proposal must be enclosed in a sealed envelope with the notation on the envelop "Proposal for Vehicle Service, City of \_\_\_\_\_", and addressed to the postmaster. Each envelope must be stamped to show the date and time of receipt. All proposals received shall be kept under lock and key until the date and hour stated in the advertisement for the receipt of bids and thereafter the bids shall be opened by a committee of three supervisors (or three disinterested employees if supervisors are not available), to be designated by the postmaster. The committee as a whole shall open the bids, initial, number, and abstract them, and submit recommendations to the postmaster for award of contract. After the bids have been opened, each envelope must be attached to the bid contained therein. If bids are mailed, they must bear proper postage.*

(6) *A copy of the advertisement, Form VS-68, and a copy of the abstract, Form VS-66, should be forwarded to the Bureau of Facilities, Division of Vehicles, at the time of the submission of estimates or when a contract is terminated and a new contract awarded. It is not necessary to forward Form VS-67 to the Department for approval since the postmaster is the contracting officer and is authorized to incur expenditures if funds are available. The original of the accepted bid with Form 1036 for each advertisement, must be submitted immediately to the regional accounting office, the duplicate retained in the office file and the triplicate given the successful bidder. Qualified bids and bids received after the expiration of the advertisement may not be considered. No contract may be awarded for the furnishing of a vehicle with driver, neither may the proposal Form VS-67 be modified in any respect.*

(7) *If, for any reason, a contract is canceled in accordance with the terms thereof, another advertisement should be issued immediately and a new contract awarded. In that case, every effort should be made to secure replacement equipment at the same or lower hourly rate. However, if that is not possible a supplemental estimate of the additional*

funds required should be submitted promptly on Form VS-63. Forms VS-66 and VS-68, explaining the reason for further advertising, should also be submitted to the Bureau of Facilities, Division of Vehicles.

(8) A current record shall be maintained by various contract rates (not individual contractors) on Forms 1804 and 1805 of all contract vehicles used in the city delivery. There shall also be kept currently on Form 1805 an accurate record of vehicles secured under equipment maintenance allowance for special delivery. A memorandum shall be kept on the back of Form 1805 of all vehicle delays because of mechanical or other failures, in order that consideration may be given to deducting the time the vehicle was inoperable from the contract pay or to cancellation of the contract due to failure to keep the vehicle in good condition, as required under the terms of the contract.

(9) If there is any evidence of collusion in bidding, price fixing, or abuse of contract equipment, a special report should be submitted to the inspector in charge and to the Bureau of Facilities, Division of Vehicles.

(b) *Annual rate contracts.* (1) Whenever a contract for furnishing a vehicle on an annual rate basis is about to expire or notice of intention to terminate is received, the postmaster shall notify the Bureau of Facilities, Division of Vehicles, in order that the necessary forms and instructions may be issued for readvertising.

(2) Annual rate contracts with automatic yearly renewal clauses are not permitted to remain in effect for a longer period than 4 years, except when held by postal employees below the grade of supervisor. It is the responsibility of the postmaster to see that contracts subject to limitation are readvertised 60 days prior to expiration.

(3) Annual rate contracts may be terminated by either party after 6 months' operation and 30 days' notice of intention to terminate. Where service requirements have changed or there is indication that economy would accrue by readvertising the service, appropriate recommendation should be made to the Division of Vehicles.

(4) Advertisements must be posted on the bulletin board at the main post office and at stations and branches, inviting bids for service required. Invitations to bid should be sent to persons, firms, and individuals in a position to furnish the required vehicles. Newspaper publicity should be given only if obtainable without cost as a news item. The Division of

Vehicles will furnish the necessary forms for solicitation of proposals and consummation of contracts.

(5) The advertisement should indicate the minimum number of hours each day the equipment shall be furnished, including loading time but excluding standing and swing time. If the advertisement specifies vehicle hire in excess of 7 hours daily, an explanation must accompany each proposal recommended for acceptance, accounting in full for the operator's time during the whole period of a normal day's assignment.

(6) No advertisement should be issued for bids for service to begin prior to the time and date set for the opening of the bids. In each instance the advertisement must be posted so that bids may be received in ample time to allow the Department at least 2 weeks to process the papers and to notify the postmaster of approval or disapproval in advance of the effective date.

(7) Each proposal must be enclosed in a sealed envelope with the notation on the envelope "Proposal for Vehicle Service, City of \_\_\_\_\_" and addressed to the postmaster. Each envelope must be stamped to show the date and time of receipt. All proposals received are to be kept under lock and key until the date and hour stated in the advertisement for the receipt of bids and thereafter the bids shall be opened by a committee of three supervisors (or three disinterested employees if supervisors are not available), to be designated by the postmaster. The committee as a whole shall open the bids, initial, number, and abstract them, and submit recommendations to the postmaster for award of contract. After the bids have been opened, each envelope must be attached to the bid contained therein. If bids are mailed, they must bear proper postage.

(8) Erasures in proposals must bear a statement on the margin of the proposal signed by the bidder as follows: "I hereby certify that the correction was made by me before the proposal was submitted in response to the advertisement."

(9) All bids must be prepared in triplicate and transmitted to the Bureau of Facilities, Division of Vehicles, with the advertisement that was posted on the bulletin board, bearing certification that the advertisement was posted on the bulletin board during the period indicated thereon; together with the abstract of bidders and bids and recommendation for acceptance of the lowest bid. The advertisement posted on the bulletin board must contain all of the information contemplated by the blank spaces,

including the hour of the day the advertisement will expire. Qualified bids and bids received after the expiration time and date indicated in the advertisement may not be considered. No contracts will be awarded for the furnishing of vehicles with drivers in response to such advertisements. Form 1036 must be completed for each advertisement with an appropriate statement as to whom the award was made. The contract, in duplicate, and a Form 1036 will be returned to the postmaster, the original and Form 1036 for transmittal immediately to the designated regional accounting office and the duplicate for the postmaster's file. Each successful bidder shall be notified promptly by the postmaster and a copy of the contract furnished him upon request.

(10) If it becomes necessary, service may be maintained at the lowest hourly rate determined by competitive bidding pending the consummation of an annual rate contract, but in that event it is the responsibility of the postmaster to see that the necessary funds are available for temporary vehicle hire.

(11) Claims for overtime use of a vehicle will not be allowed unless filed with the postmaster within 30 days after the end of the calendar quarter in which the service was performed upon proper authorization of the postmaster or of a supervisor to whom such authority shall have been delegated.

(12) A current record shall be maintained by various contract rates (not individual contractors) on Forms 1804 and 1805 of all contract vehicles used in the city delivery. There shall also be kept currently on Form 1805 an accurate record of vehicles secured under equipment maintenance allowance for special delivery. A memorandum shall be kept on the back of Form 1805 of delays of each vehicle daily because of mechanical failure for determination as to whether the vehicle is in proper condition for continued service and if the circumstances are such that would warrant deduction from the contract pay because of failure to furnish the vehicle the full time called for by the contract.

(13) If there is any evidence of collusion in bidding, price fixing, or abuse of contract equipment, a special report should be submitted to the inspector in charge and to the Bureau of Facilities, Division of Vehicles.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 23, 369)

[SEAL]

LOUIS J. DOYLE,  
Acting Solicitor.

[P. R. Doc. 54-642; Filed, Jan. 29, 1954;  
8:45 a. m.]

## PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## [7 CFR Part 932]

[Docket No. AO-33-A21]

HANDLING OF MILK IN FORT WAYNE,  
INDIANA, MARKETING AREA

## NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that a public hearing will be held in the Van Orman Hotel, 128 West Berry Street, Fort Wayne, Indiana, beginning at 10:00 a. m., c. s. t., on February 15, 1954, for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the proposed amendments which are set forth below, or appropriate modifications thereof, to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area. These proposed amendments have not been approved by the Secretary of Agriculture.

Proposed by Wayne Cooperative Milk Producers, Inc.:

1. Delete § 932.41 (a) (3) and substitute therefor the following, to be designated paragraph (a) (3):

(3) Not specifically accounted for as any product specified in subparagraphs (1) and (2) of this paragraph, as Class II milk, or as Class III milk.

2. Delete § 932.41 (b) (1) and substitute therefor the following, to be designated paragraph (b) (1):

(1) Used to produce a milk product other than those specified in paragraphs (a) (1) and (2) or (c) of this section.

3. Add to § 932.41 the following paragraph, to be designated (c):

(c) Class III milk shall be all skim milk and butterfat used during April, May, June, and July to produce butter.

4. Establish a Class III price, to be designated as § 932.53, which shall read as follows:

§ 932.53 *Class III milk prices.* Subject to the provisions of §§ 932.54 and 932.55, the minimum price per hundredweight, on a 4.0 percent butterfat content basis, to be paid by each handler for producer milk received and classified as Class III milk shall be computed by the following formula:

(a) Multiply by 120 percent the average daily wholesale price per pound of 92 score butter in the Chicago market as reported by the Department during the delivery period, subtract 5 cents therefrom, and then multiply by 4.0; and

(b) Add thereto an amount computed as follows: From the arithmetical average of car lot prices per pound for nonfat dry buttermilk solids (animal) in the Chicago area as published by the Department during the delivery period deduct 5.5 cents, multiply by 8.5, and then multiply by 0.96.

5. Renumber § 932.53 to read 932.54, and add thereto the following paragraph to be designated (c):

(c) *Class III milk.* Multiply by 1.10 the average daily wholesale price per pound of 92 score butter in the Chicago market as reported by the Department during the delivery period, and divide the result by 10.

6. Renumber § 932.54 to read 932.55. Proposed by Allen Dairy Products, Inc.:

7. Delete § 932.6 in its entirety and substitute therefor the following:

§ 932.6 *Fort Wayne, Indiana, Marketing Area.* "Fort Wayne, Indiana, Marketing Area," hereinafter called the "Marketing Area," means all territory within the corporate limits of Fort Wayne, Indiana, and all territory within five miles of the corporate limits of Fort Wayne, Indiana, and including all territory within the corporate limits of New Haven, Indiana.

Proposed by Central Dairy, Inc.:

8. Add item (d) to § 932.12, "the percentage requirements regarding a pool plant do not apply in the case of a handler's plant located within the marketing area."

9. Replace § 932.41 (b) (3) (4) with "Disposed of to any manufacturer of butter, ice cream, candy, soup, or bakery products".

10. In § 932.84 (c) change to "Such milk computed at the blend price and butterfat differential" instead of "Class II price and butterfat differential".

11. Make such changes as the above proposals would make necessary to clarify and correct the order.

Proposed by Chris. Bullerman & Sons:  
12. Amend § 932.12 (a) of Order No. 32 to read as follows:

(a) During any delivery period within which the total combined amount of skim milk and butterfat disposed of as Class I milk on a route (or routes) operated wholly or partially in the marketing area from such plant is equal to 10 percent or more of the total volume of milk received at such plant during such delivery period from dairy farmers having certification issued by the Fort Wayne Board of Health to produce milk for disposition within the marketing area in the form of fluid milk;

Proposed by Tonne Dairy:

13. It is proposed to amend § 932.51 (a) to read as follows:

(a) Add (1) \$0.60 during each of the delivery periods of April, May and June; (2) \$1.15 during each of the delivery periods of October, November and Decem-

ber; and (3) \$1.00 during each of the other delivery periods.

Proposed by the Dairy Division, Agricultural Marketing Service:

14. Change subparagraph (1) of § 932.44 (c) to read as follows: "(1) the handler claims Class II on the basis of a utilization indicated in writing to the market administrator;"

15. Make such other changes as may be required to make the marketing agreements and order in their entirety conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area, may be obtained from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or from the Market Administrator, 407 Strauss Building, Fort Wayne 2, Indiana, or may be inspected there.

Issued at Washington, D. C., this 27th day of January 1954.

[SEAL] ROY W. LENNARTSON,  
Deputy Administrator.

[F. R. Doc. 54-659; Filed, Jan. 29, 1954; 8:49 a. m.]

## DEPARTMENT OF LABOR

## Division of Public Contracts

## [41 CFR Part 202]

## WOOLEN AND WORSTED INDUSTRY

## NOTICE OF PROPOSED AMENDMENT TO DETERMINATION OF PREVAILING MINIMUM WAGE WOOLEN AND WORSTED INDUSTRY

This matter is before the Department pursuant to the act of June 30, 1936, as amended (49 Stat. 2036; 41 U. S. C. sec. 35 et seq.), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," and known as the Walsh-Healey Public Contracts Act.

The Secretary of Labor, in a minimum wage determination issued pursuant to the provisions of the Walsh-Healey Public Contracts Act and effective May 14, 1949 (14 F. R. 1793), determined the minimum wage prevailing for persons employed in the Woolen and Worsted Industry in the performance of contracts with agencies of the United States Government subject to the act, to be not less than \$1.05 per hour. This determination also authorized employment of learners and beginners at rates not less than 90 cents an hour for a learning period no longer than 320 hours. This determination is currently in effect as editorially revised and published in the FEDERAL REGISTER on July 20, 1950 (15 F. R. 4634).

The Textile Workers Union of America, CIO (hereinafter referred to as the TWUA), submitted a petition to the Secretary of Labor dated November 16, 1951, for determination of a prevailing minimum wage of \$1.265 an hour in the

Woolen and Worsted Industry with a provision for a wage escalator quarterly adjustment of one cent for each 1.18 rise in the Bureau of Labor Statistics Consumer Price Index (Old Series) beginning with February 15, 1951, and fringe benefits of vacations with pay, paid holidays, and shift premiums as provided in its collective agreements. Retention of the currently effective definition of the Industry also was urged.

The United Textile Workers of America, A. F. of L. (hereinafter referred to as the UTWA), submitted a petition to the Secretary under date of February 29, 1952, seeking determination of a prevailing minimum wage of \$1.30 an hour in the Industry, with a wage escalator clause and shift premiums, vacations with pay, paid holidays and health and welfare plan benefits. Retention of the currently effective definition of the Industry also was proposed.

Averments in these petitions respecting minimum wage rates established by collective bargaining agreements, and other wage data concerning woolen and worsted manufacturing establishments and associations, impugned the prevailing status of the \$1.05 per hour minimum wage promulgated and currently effective since May 14, 1949, for the Woolen and Worsted Industry. This proceeding was, therefore, initiated for the purpose of determining the minimum wages prevailing in the Industry, and amendment of the outstanding determination, if requisite.

As a preliminary to public hearing, a conference of representatives of the Department of Labor, of management and of labor was noticed, and subsequently held on January 15, 1952. Industry representatives consisted of the National Association of Wool Manufacturers (hereinafter referred to as the NAWM) and several individual woolen and worsted companies, and representatives of TWUA and UTWA for labor. Issues and matters germane to this proceeding were discussed, including definition of the Industry, and information on wages necessary for a determination of prevailing minimum wages in the Industry.

Notice of a hearing in this matter to be held on May 15, 1952, was duly published in the *FEDERAL REGISTER* on March 25, 1952 (17 F. R. 2576). Copies of the Notice and a press release announcing the hearing were mailed to trade associations, unions, and to individual companies in the Industry. In addition, the press release was distributed to newspapers and trade publications.

This notice and release informed interested persons of the rule making proceeding and of the time and place at which they could appear and offer testimony as to: (1) The prevailing minimum wages in the Woolen and Worsted Industry; (2) whether there should be included in any amended determination for the Industry provision for employment of learners and/or apprentices at subminimum rates, and if so, in what occupations, at what subminimum rates, and with what limitations, if any, as to learning period, and the number or proportion in relation to total employment of such subminimum rate employees; and (3) the propriety of the outstanding

definition of the Industry set forth in full in the notice of hearing. The notice particularly invited information with respect to the subject matter of testimony or statements of each witness as to: (1) The number of workers covered in the presentation; (2) the number and location of establishments; (3) the number of looms and spindles operated in each establishment; (4) minimum wages paid at the end of a probationary or learner period, the number of workers receiving such wages, and the occupations in which these employees are found; (5) the entrance rate for learners, beginners or probationary workers, the length of such learning or probationary period, and the number of workers paid such entrance rates; and (6) the product or products. The notice further stated that, "To the extent possible, data should be submitted in such a manner as to permit evaluation thereof on a plant by plant basis."

Pursuant to the notice, a hearing was held on May 15, 1952, at 10 a. m. in Conference Room A of the Interdepartmental Auditorium in Washington, D. C. Representatives of employees and employers appeared and testified at the hearing, and the record was kept open until June 16, 1952, for the submission of additional written data and briefs.

At the hearing, management appearances included representatives of NAWM and of several woolen and worsted companies. Labor appearances included representatives of TWUA and UTWA. Other appearances at the hearing included Governor Paul H. Dever of Massachusetts and Professor Seymour E. Harris, Chairman, Governors' Committee on the New England Textile Industry. In addition, letters, statements and briefs were filed by interested parties at and after the hearing, and were made a part of the record.

The former Secretary of Labor's Proposed Amendment to the Determination of the Prevailing Minimum Wage for the Woolen and Worsted Industry dated January 19, 1953, was published in the *FEDERAL REGISTER* on January 27, 1953 (18 F. R. 575), and granted a period of 30 days for the filing of exceptions and objections. The NAWM requested additional time for such filing and the period was extended to March 13, 1953. Notice of the extension to all parties was duly published (18 F. R. 807). Under date of March 3, 1953, attorneys for the NAWM and 105 woolen and worsted companies filed motions to vacate and withdraw the proposed amendment, or to reopen the hearing for examination of witnesses and introduction of additional evidence and further to extend the time for filing exceptions. The motion to reopen was granted to the extent stated in the Notice of Supplemental Hearing to be held on April 22, 1953, duly published in the *FEDERAL REGISTER* on March 30, 1953 (18 F. R. 1603). This notice together with a press release was given the same distribution as the notice for the original hearing. Pursuant thereto, the supplemental hearing was held on April 22, 23, and 24, 1953, in the Department of Labor Building, Washington, D. C.

Participating in the hearing on behalf of the Industry were representatives of The NAWM and counsel appearing jointly for it and 105 woolen and worsted companies. Labor was represented by The TWUA and UTWA. There also appeared and participated Senator John F. Kennedy of Massachusetts, and Government representatives from the Bureau of Labor Statistics, the Armed Services Textile and Apparel Procurement Agency, the Office of the Quartermaster General and the Bureau of the Census. All parties consenting, the record of the proceedings was closed by the Examiner as of April 24, 1953.

*Procedural motions and objections.* The exceptions and objections to the proposed Amendment filed by counsel for the NAWM on its behalf and on behalf of certain woolen and worsted companies are of three types: Those questioning the authority and discretion exercised by the Secretary in the proposed amendment to the wage determination; objections to the sufficiency, or the competency of evidence; and procedural objections bottomed on the requirements of the Administrative Procedure Act. At appropriate places in subsequent pages the subject matter basic to these objections together with the objections themselves are considered.

Both in their exceptions and objections to the proposed Amendment, and in their motions to vacate the proposed Amendment, or to reopen the hearing for additional evidence, NAWM counsel have urged invalidity of the proposed Amendment for failure to comply with the requirements of provisions of the Administrative Procedure Act applicable to these proceedings. Counsel by letter to the Secretary dated March 25, 1953, also objected that the Notice of Supplemental Hearing, as well as the notice for the earlier May 1952 hearing, fail to inform interested parties of the matters of fact and law and the subjects and issues to be considered and determined at the supplemental hearing. This alleged failure is averred to have deprived parties of requisite opportunity to prepare therefor. On this ground, counsel for NAWM moved at the conclusion of the supplemental hearing that the proceeding be terminated and dismissed.

The NAWM exceptions and motions urge alleged inadequacy of the hearing notices and consequent lack of opportunity to prepare for hearing. The provisions of section 4 (a) (3) of the Administrative Procedure Act require the notice of hearing in rule making proceedings to include,

either the terms or substance of the proposed rule or a description of the subjects and issues involved.

The Attorney General's Manual on the Administrative Procedure Act, at page 30, construes this provision to require that,

the notice should be sufficiently informative to assure interested persons an opportunity by participate intelligently in the rule making process.

The provisions of the first Notice of Hearing on Proposed Amendment, commented on above, were responsive to the pre-hearing conference understanding

on issues and subjects to be heard, and refer and were directed to amendment of a duly promulgated, effective wage determination and met the letter and spirit of the statutory requirement of notice. The Notice of Supplemental Hearing, no less so, accords with the statutory requirement. It invited further submission on the subjects and issues included in the notice of the May 1952 hearing, and specifically notified "all interested parties" to "appear in opposition to, or in support of the proposed amendment (of January 19, 1953), and offer supplemental evidence and otherwise participate."

Attorneys for NAWM were also informed as follows by the former Secretary's letter of April 3, 1953, well antedating the hearing:

I am satisfied that the Notice of Hearing on Proposed Amendment, published March 25, 1952 (17 F. R. 2576) and the Notice of Supplemental Hearing, published March 20, 1953 (18 F. R. 1603) adequately describe the subjects and issues involved in this proceeding conformably with section 4 (a) (3) of the Administrative Procedure Act. This puts in issue the question of what minimum wages prevail in the industry, whether sub-minimum rates should be authorized for learners and apprentices and the propriety of the present industry definition.

All interested persons have full opportunity to appear and to submit whatever supplemental data, views and arguments they wish the Secretary to consider in making the determinations required by these proceedings.

It is the intention of the Department to introduce evidence material to this proceeding, including the wage data prepared by the Bureau of Labor Statistics. You, of course, may exercise rights to examine witnesses in accordance with the provisions of the Administrative Procedure Act.

Neither the scope of the definition of the industry, or of any branch or branches thereof, nor the geographical basis on which prevailing minimum wages are to be considered, nor for that matter any other of the issues, can be determined prior to consideration of the complete record. Guidance with respect to the Department's interpretations and practices relating to determinations under section 1 (b) of the Public Contracts Act is afforded by the amended determination for the Textile Industry and the proposed amendment for the Woolen and Worsted Industry, as well as by other existing proposals or determinations. Accordingly, you should be prepared to submit any and all data, views and arguments that you believe pertinent to the issues. You are, of course, aware that the Secretary has not construed the act as requiring determinations for cities, towns or villages.

At the hearing in April 1953, granted in response to the NAWM petition, the Association representative and Counsel declined to state in what respects they had been unable to prepare, and also declined to introduce any evidence of specific wages actually paid and to make any recommendation as to a proper wage determination under the Act. NAWM counsel characterized its motion for dismissal because of inadequacy of the notices as "made for the record."

I am satisfied the Examiner properly denied the motion, and that the exceptions in this respect are not well founded.

The prevailing minimum wage standard. The proposed amendment to the Determination of the prevailing minimum wage for the Woolen and Worsted

Industry, as promulgated on January 19, 1953, found that the locality in which the products of the Industry are manufactured or furnished under Government contracts is co-extensive with the entire area in which the Industry operates. For this reason, and because the proposed amended Determination was restricted to that Industry and the occupations in it, no geographic division of the Industry was proposed. This accords with the interpretation of the Act which has been applied by the Department throughout its administration, and accords with the evidence presented in both hearings, and the Determination heretofore made in establishing the original minimum wage of \$1.05 per hour for the Woolen and Worsted Industry by this Department in 1949.

This construction of the provisions of the Act has not been wholly free from doubt, however, and the pertinent statutory provision has been variously interpreted by parties interested in these prevailing minimum wage determinations. Congress inquired into the problem in 1952, and made provision for its solution. After considering the interpretation applied by the Department over the last 16 years and specific language proposed to require a change, Congress disposed of this question by granting to the parties adversely affected by the Secretary's determinations the right to take the question to court for ultimate judicial resolution. This right to judicial review did not exist before. Congress did not deem it advisable to exercise its power either to reverse or affirm the past practices of the Department. It left the matter to resolution of the courts through the usual processes available to aggrieved parties.

Two proceedings under the Public Contracts Act have been conducted pursuant to the provisions of the Administrative Procedure Act, made applicable by the 1952 Fulbright Amendment to the Defense Production Act of 1950. The public hearing on petitions for amendment of the prevailing minimum wage determination for the Woolen and Worsted Industry initially took place on May 15, 1952. The hearing subsequently was reopened on April 22, 23, and 24, 1953, and was concluded. Prior thereto, upon petitions for amendment to the prevailing minimum wage determination for the Textile Industry (cotton, silk, synthetic fibers, etc.), a public hearing was held on September 4, 1952, and a final determination became effective February 21, 1953. The standards and statistical criteria hereinafter applied to the instant determination are not less than the standards and statistical criteria relied upon in the Textile Industry amendment, and applied by the Department for many years to wage determinations of the kind here involved.

After fully considering the 1952 Fulbright Amendment to the Act and its legislative history, I have concluded that it does not authorize or justify delay in the administrative disposition of this matter which has been fully heard since the Fulbright Amendment, and has been pending but undecided in the Department from 1951 to the present time.

In view of the history and adjustments in the Act's procedures, I am in this matter continuing to follow the applicable departmental practice in making this prevailing minimum wage determination without provisions for geographic differentials. I do, therefore, approve and issue my amendment to the Determination of the prevailing minimum wages in the Woolen and Worsted Industry as herein set out.

**Definition.** The notice of the May 15, 1952, hearing published in the FEDERAL REGISTER March 25, 1952, contained the text of the currently effective definition of the Industry and placed in issue its propriety and continued adequacy. The definition reads as follows:

(1) The manufacturing or processing of all yarns (other than carpet yarns) spun entirely from wool or animal fiber (other than silk); and all processes preparatory thereto;

(2) The manufacturing, dyeing or other finishing of fabrics and blankets (other than carpets, rugs, and pile fabrics) woven from yarns spun entirely of wool or animal fiber (other than silk);

(3) The manufacturing, dyeing, or other finishing of fulled suitings, coatings, top-coatings, and overcoatings knit from yarns spun entirely of wool or animal fiber (other than silk);

(4) The picking of rags and clips made entirely from wool or animal fiber (other than silk) and the garnetting of wool or animal fiber (other than silk) from rags, clips, or mill waste; and other processes related thereto;

(5) The manufacturing of batting, wadding, or filling made entirely of wool or animal fiber (other than silk);

(6) The manufacturing or processing of all yarns (other than carpet yarns), spun from wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute, or any synthetic fiber; except the manufacturing or processing on systems other than the woolen system of yarns containing not more than 45 percent by weight of wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute or any synthetic fiber;

(7) The manufacturing, dyeing, or other finishing of the products enumerated in clauses (2), (3), (4), and (5) from wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute or any synthetic fiber; except products containing not more than 25 percent by weight of wool or animal fiber (other than silk) with a margin of tolerance of 2 percent to meet the exigencies of manufacture.

The National Association of Wool Manufacturers proposed at the pre-hearing panel conference, at the May 15, 1952, hearing, and in a post-hearing statement that the definition of the Industry be modified on the ground that rising competition from new man-made fibers, or wool mixtures therewith, would place woolen and worsted mills at a competitive disadvantage. The NAWM proposed a definition to read as follows:

1. Cloths woven from yarns wholly or in part spun.

A. From wool, reprocessed wool or re-used wool.

B. From staple, waste or tow of man-made fibers other than rayon or acetate.

2. Cloths knit from yarns wholly or in part spun.

A. From wool, reprocessed wool or re-used wool.

B. From staple, waste or tow of man-made fibers other than rayon or acetate.

C. And procured by the yard or square yard.

3. Blankets woven or knit from yarns wholly or in part spun

A. From wool, reprocessed wool or re-used wool.

B. From staple, waste or tow of man-made fibers other than rayon or acetate.

4. Yarns wholly or in part spun

A. From wool, reprocessed wool or re-used wool.

B. From staple, waste or tow of man-made fibers other than rayon or acetate.

5. Tops processed from wool or man-made fibers.

At the April 1953 hearing, the NAWM offered a revised definition to read as follows:

The manufacture, as a prime contractor or substitute manufacturer, of the products enumerated below when wholly or in part of wool, reprocessed wool, or reused wool; or wholly or in chief part by weight of staple, waste or tow of man-made fibers other than acetate or rayon:—

I. Woven cloths, except pile constructions.  
II. Pulled knit suitings, coatings, topcoatings and overcoatings.

III. Woven or knit blankets.

IV. Yarns.

V. Tops.

The 1952 and 1953 definitions suggested by NAWM are designed to encompass within the Woolen and Worsted Industry existing or prospective products resulting from recent developments in the field of man-made fibers. The principal effect of the most recent NAWM definition would be to include yarns and fabrics containing proportions of wool less than those indicated in paragraphs (6) and (7) of the present definition, or containing no wool, but consisting by weight, either wholly or in chief part, of staple, waste, or tow of man-made fibers, other than acetate or rayon.

Both the TWUA and UTWA opposed the definitional suggestions of the NAWM primarily on the ground that such changes would vitiate lines of demarcation with related industries, and would bring within the definition of the Industry many products not properly of the Industry, or manufactured in woolen and worsted mills.

The testimony of the representative of the NAWM largely validates this basis of objection. He testified that, with respect to types of products purchased by the Government, the suggested modification of the definition did not reflect current practices or production of the Industry, but would have future application on the basis of hoped for future production developments. He could identify only one woolen and worsted plant producing cloth primarily made from man-made fibers, other than rayon or acetate.

The problem of overlaps between the various textile industries is not a new one. Most products of the Textile Industry and the Woolen and Worsted Industry are clearly identifiable, and constitute no problem with respect to industry classification. Since the problem as to borderline areas arises out of inter-industry competition, it is not surprising that the contentions of the manufacturers in these overlapping industries may not coincide. Several Government agencies have drawn necessary lines of

demarcation for the borderline areas between these related industries, to provide authoritative guides for the Government and the public.

Representatives of three Government agencies dealing continuously with Industry members testified at the hearing. Testimony of officials of the Bureau of the Census, subpoenaed by the NAWM, reveals that this agency generally follows the Industry classifications set forth in the authoritative Standard Industrial Classification Manual, issued by the Bureau of the Budget. The Bureau of the Census has never classified as woolen and worsted products any fabrics containing less than 25 percent by weight of wool or animal fiber other than silk, nor any yarn spun on systems other than woolen and worsted systems containing less than 45 percent by weight of such fibers. Since 1951, the Bureau of the Census has classified, as woolen and worsted fabrics, only those products which are 50 percent or more by weight of wool, re-used wool or reprocessed wool, or are mixtures and blends in which the chief fiber content is wool, although it has continued to collect and report data in the 25 to 50 percent wool content classification. None of the interested parties proposed exclusion from the definition of these fabrics and yarns currently included.

The Bureau of Labor Statistics representative testified that this agency generally also follows the Bureau of the Budget classifications in defining industries for survey purposes, such as the wage survey made by the Bureau, in evidence as Exhibits 10-A and 10-B, which utilize a definition in accord with the definition hereinafter given of the Broad-Woven Fabric, Yarn and Thread Branch of the Woolen and Worsted Industry.

The NAWM itself, as recently as 1952, has utilized the 25 percent fabric demarcation line in its Bulletin, Volume LXXXI for the year 1951, which contains a number of statistical tables and charts for the Industry. None of the statistical tables or charts for these products include data for any fabrics with less than 25 percent by weight of wool, reprocessed wool, or re-used wool. The data included in these tables and charts were obtained from Government sources, and from records of the NAWM.

Testimony concerning the procurement experience of the Government's largest purchaser of textiles is also significant. Representatives of the Armed Services Textile and Apparel Procurement Agency and of the Quartermaster testifying at the April 1953, hearing, stated that the Agency seldom purchases fabrics containing woolen and worsted fibers that have a wool content of less than 80 percent. It was testified that the Agency had bought fabrics with as little as 25 percent of wool in only one instance. Abstracts of individual procurements of products of the Woolen and Worsted Industry by the Armed Services Textile and Apparel Procurement Agency and the Quartermaster Corps, were introduced into the record. There is no evidence in the record that the Government purchases fabrics of

wool mixtures which contain less than 25 percent wool.

It is essential that industry definitions under the Act be formulated in accordance with actual industry practices. Industry changes, as here not mere indications of nascent trends, can and will be recognized by definition changes when they have occurred. Clauses (6) and (7) of the currently effective definition with respect to yarn mixtures and to fabric mixtures respectively, accurately reflect existing industry practice, and their retention is the only sound determination on the record before me, and requires denial of the definition suggested by the NAWM.

It has been the consistent administrative interpretation since 1943 that pressed wool felt is included in the definition of this Industry. The NAWM has noted disagreement with this position. The record discloses, however, that The Felt Association, and some individual companies producing pressed wool felt, have not questioned that pressed wool felt is within the scope of the Woolen and Worsted Industry.

Woven and pressed wool felt are clearly products of the Woolen and Worsted Industry. Woven wool felt is provided for by Clause (2) of the Industry definition. To remove any possibility of misunderstanding, current paragraphs (6) and (7) shall be renumbered as (7) and (8) respectively, and there shall be inserted a new paragraph (6) to read as follows:

The manufacturing of pressed felt made entirely of wool or animal fiber (other than silk);

In addition, the paragraph renumbered (8), shall be further amended to add to the enumeration of clauses therein contained, enumeration of the new paragraph (6).

No other suggestions with respect to amendment of the definition were made, and both petitioners urge the present definition of the Woolen and Worsted Industry is proper, and recommend it be retained. I find that the currently effective definition (41 CFR 202.47 (a)), as above amended, properly and accurately defines the Industry as presently constituted.

*Origin and nature of evidence on wages.* Evidence in the record concerning wages in the Woolen and Worsted Industry consists principally of the following: (1) The Bureau of Labor Statistics (BLS) wage survey; (2) The NAWM wage survey, and (3) separate TWUA and UTWA wage listings by establishments. In the Proposed Amendment to the Determination of the Prevailing Minimum Wage for the Woolen and Worsted Industry issued January 19, 1953, the former Secretary placed primary reliance on the BLS survey in determining the prevailing minimum wage. I am similarly persuaded, after examination of all the evidence on wages.

In exceptions and objections to the proposed amendment, filed before the supplemental hearing, the NAWM questioned reliance on the BLS data in determining the prevailing minimum wage for this Industry. Its objections are di-

rected to statistical procedures utilized, and to whether such survey adhered to the Industry definition. The NAWM argues that the matters excepted to would necessarily result in a margin of error in the ultimate BLS figures, the exact extent of which, however, it was unable to state. The supplemental hearing adduced additional evidence concerning BLS methods, data and conclusions which deprive the NAWM exceptions and objections of substantiality.

The BLS survey was undertaken as part of the Bureau's regular program of conducting wage surveys in important industries. The results of this survey, not available at the original hearing, were introduced in evidence at the supplemental hearing as Exhibit 10-A consisting of Tables 1 through 9 contained in a preliminary release issued by the BLS, and Tables 10 through 17 subsequently prepared by the BLS, all of which tabulate data for the entire United States as well as for certain specific portions thereof; Exhibit 10-B consisting of separate releases for Rhode Island, Massachusetts, Northern New England, New York-New Jersey, and Philadelphia, Pennsylvania-C and D, New Jersey, identified as Tables 18 through 22; and Exhibit 11 entitled "Wage Structure, Woolen and Worsted Textiles, April-May 1952; Series 2, Number 90", which is the final survey report issued by the BLS in October 1952.

The scope, source materials, statistical procedures, and accuracy of the BLS wage data, including methods of obtaining the basic data, its responsiveness to the Industry definition, and preparation of the several tabulations were subjects of testimony by BLS officials. The BLS survey includes wage and other data for establishments in the following categories: Broad-Woven fabric mills primarily engaged in weaving woolen and worsted fabrics over 12 inches in width; yarn and thread mills primarily engaged in spinning, twisting, winding or spooling yarn and thread from wool fibers. The data include the workers in such establishments engaged in producing the above-named products, as well as employees engaged in producing blankets and other fabricated woolen and worsted products and in scouring, combing, dyeing and finishing operations. Data with respect to the number and size of establishments in the above and other Industry categories, and the percentage of each category's production to total industry production are available in the 1947 Census of Manufactures, and aid in evaluating the adequacy of the BLS survey for wage determination purposes.<sup>1</sup>

<sup>1</sup> Some differences in classification nomenclature without resulting difference in context may be shown between the BLS survey and the Census of Manufactures. For example, yarn mill classifications of the two, though differently expressed are basically similar and yield the same context. The definitions of woven fabrics in both studies are identical. In part they were interpreted at variance as to wool content without significant variance as to results, or impairing the essentially comparable BLS and Census coverage of mills encompassed by the Branch definition. The BLS survey did not cover

The BLS representative also testified that workers employed in spinning and weaving establishments engaged in producing blankets and other fabricated woolen and worsted textile products were similarly included in the survey, and Exhibit 60 shows on page 115 that blankets and other specified household supplies are usually fabricated at the weaving mills.

The NAWM voices objection that since the BLS survey omitted plants with less than 21 workers, it is not representative of the Industry as defined. Evidence of record shows that such plants accounted for less than one percent of the total employees. The absence of data for one percent of the total employees constitutes minute and harmless error without perceptible effect on the Survey.

Similarly, NAWM contends that the data obtained from the 205 plants in the sample, when adjusted by statistical methods, reflect hypothetical data for the entire 462 plants. The BLS in making this survey and the tabulations, followed generally accepted statistical practices and principles. The last paragraph of Exhibit 11 explains in part the method of sampling as follows:

In sampling, relatively large proportions of establishments concentrated in the major regions as well as of major establishments in terms of size were included to permit presentation of separate data by region and size of establishment. The effect of varying proportions in terms of employment was offset by weighting. Thus, each region and size-group of establishment was given only its appropriate influence in the data.

The NAWM also has filed objection that the BLS survey was limited to plants primarily engaged in spinning yarn or thread and related operations, or in weaving broad-woven fabrics, whereas the proposed determination applies to plants engaged in the operations covered by the definition whether or not they are the primary activities in such plants. This objection also is without requisite support in the record. Exhibit 12, page 5, shows that in the year 1947, the latest year for which such information is available, the total value of woolen and worsted fabrics produced amounted to \$1,238,609,000 of which \$1,194,379,000, or 96 percent, were manufactured in plants primarily engaged in the production of such fabrics or of woolen and worsted yarns (except carpet yarn). The total value of yarns spun on wool systems (except carpet yarn) by plants primarily engaged in the production either of such yarn, or of woolen and worsted fabrics during that year was \$323,117,000, or 94 percent of \$343,076,000 the total value of such yarns produced in that year. The record further discloses that whatever the primary activities of the plants included in the survey, all of the operations as to which an amended wage is proposed, are performed in plants included in the survey.

Independent scouring, combing or finishing establishments. The BLS survey did cover all mill employees so engaged. The testimony reveals that commercial finishing is the exception and that most wool is scoured and combed and wool yarns and fabrics are dyed by the producing mills themselves.

The wage data introduced in evidence by the two textile unions, and by the NAWM, relate generally to the same types of establishments as are included in the BLS survey. The NAWM survey, received in evidence as Exhibit C and D at the May 1952, hearing, was made by mail questionnaire covering a large number of firms manufacturing woolen and worsted textiles and related products. It focuses on the rate of \$1.265 per hour urged for determination in the TWUA's petition, without attempting otherwise to probe for specific prevailing minimum wage rates. Based on its survey, the NAWM offered tabulations for the record showing the number of establishments, and the estimated number of workers employed in establishments, having minimum hiring rates (excluding learners) of \$1.265 or more an hour, or of less than \$1.265 an hour. The NAWM made no attempt to obtain data on other specific minimum rates, or the extent to which such "hiring" rates were actually being received by employees on any given date.

The tabulations presented by the NAWM also evidence a breakdown of major products of the mills included in its survey, identification of the number of mills therein also included in the unions' listings, number of employees and minimum wages as of March 1952, and the number and location by geographical region of establishments reporting a minimum hiring rate (excluding learners) of less than \$1.265 an hour.

The TWUA and UTWA lists, received as Exhibits D and E at the May 1952, hearing and reproduced in the transcript thereof, evidence the names and locations of plants in the Industry, the type of products manufactured, number of employees and minimum wages paid. These lists include both union and non-union establishments and cover a large proportion of the Industry. In addition, both unions submitted copies of a number of collective bargaining agreements with the Industry.

In the Proposed Amendment dated January 19, 1953, the former Secretary noted that the employment figures reported by the NAWM and by the unions do not relate to any specific date, but are estimates by the reporting firms or by the unions of the number of production workers employed when the establishment is operating on its regular schedule. Further, both the NAWM and unions included data for all plants within the Industry for which information was available, without regard to the possible relative over-representation of certain segments of the Industry and the possible relative under-representation of other segments. He also observed that the NAWM survey, includes a number of establishments which do not appear to be within the definition of the Woolen and Worsted Industry; that, on the other hand, the NAWM at the May 15, 1952, hearing had questioned the accuracy of the minimum rates shown for a number of establishments included in the unions' listings, and that some listed establishments were no longer operating. On the basis of the above-mentioned limitations of the data submitted by NAWM and the

petitioning unions, the Secretary concluded that primary reliance for purposes of the Proposed Amendment of January 1953, must be placed upon the survey by the Bureau of Labor Statistics with the Association and the Union data serving as supplemental data. I share and affirm his conclusion.

As stated earlier, it is patent that the evidence of record provides a sound evidentiary base for the amended determination hereinafter proposed. Administrative responsibility in a matter of this import, would welcome submission of exhaustive pay roll data for the entire Industry. Anything less, renders possible objections as to adequacy of wage data advanced by the NAWM. Reasoning from less than complete data can never be demonstrated to be free from at least trace of error. The NAWM fails to show, however, that such errors are prejudicial, or otherwise impugn the factual validity of the BLS survey of wages. My confidence in the BLS survey springs from the fact that it has collected and collated in accordance with published methods and after consultation with representatives of employers and employees, data of wages actually paid to 67,724 employees, approximately two-thirds of the total in weaving and spinning plants, during a representative pay roll period. These factors, coupled with application of recognized statistical procedures to this very large sample including application of recognized formulas for correction of error, persuades that high accuracy and reliability have been achieved in the ultimate data reported.

Adequate wage data are available in this proceeding only for the Broad-Woven Goods, Yarn and Thread Branch of the Woolen and Worsted Industry and for Pressed Felt. I am proposing at this time a redetermination only of the prevailing minimum wage for this Branch, defined at the conclusion of this proposed determination, and for pressed felt. The prevailing minimum wage for persons employed in the manufacturing or furnishing of the products of the Woolen and Worsted Industry, as hereinbefore defined, other than the products of the Broad-Woven Goods, Yarn and Thread Branch of the Industry, and pressed wool felt, remains as previously determined effective May 14, 1949, and revised July 20, 1950.<sup>2</sup>

The statutory directive to determine "prevailing minimum wages" for a particular industry is framed in the plural as respects the word "wages." Clearly, more than one prevailing minimum wage may be determined. This record discloses functionally separate and constituent parts of the Woolen and

Worsted Industry, as to which I have the authority and discretion to determine a prevailing minimum wage, different from that prevailing as to the balance of the Industry.

**Analysis of wage data.** In its survey of the Woolen and Worsted Textile Industry, the Bureau of Labor Statistics covered plants with 21 or more employees. The Bureau's report did not indicate the percentage of employees thus excluded, but it may be determined by reference to the Census of Manufactures for 1947, the latest available period. Such census developed data for plants employing 20 or more employees, or only one employee less than the standard used in the Bureau's survey. Such data shows that plants of the category surveyed by the Bureau, having 20 or more employees, employed 99.3 percent, and plants having 50 or more employed 97.5 percent of the total production workers employed in such plants. Interpolation of this Census data indicates that the number of employees thus excluded by the Bureau's survey does not exceed one percent.

The Bureau of Labor Statistics survey tabulated returns from 205 establishments employing 67,724 employees. This sample represents 44.4 percent of the establishments and 60.2 percent of all workers in the category surveyed. The Bureau of Labor Statistics weighted these returns in accord with well-accepted statistical procedures to determine wage data for production employees employed in the 462 weaving and yarn plants, employing 21 or more employees.

Table 13 of Exhibit 10-A contains the most significant evidence for determining the prevailing minimum wage, because it is based on wages actually paid, rather than entrance or plant rates, which are frequently only partially observed. This table is also appropriate in that it ignores special rates paid to individuals because they are learners or handicapped workers. These should be ignored in the basic determination because provision for payment of subminimum wages to them is made as a tolerance under Section 6 of the Act. It appears from this table that 44.8 percent of the establishments employing 61 percent of the workers pay no more than 1 percent of their employees less than \$1.20 per hour, and 49.3 percent of the establishments employing 65.5 percent of the workers pay no more than 3 percent of their employees less than \$1.20 per hour. As the table also shows, the number of workers in these plants actually receiving less than \$1.20 per hour is negligible. This is probably occasioned by the fact that the tables include watchmen and certain custodial employees commonly paid less than other workers, who should be excluded from consideration here because the Act, and hence this Determination, does not apply to them.

Table 11 tends to corroborate the evidence contained in table 13. Table 11 shows the rates reported as the established minimum job rates for all production workers, exclusive of custodial employees, learners, and handicapped workers. According to this table, 52.2 percent of the establishments employing

62 percent of all the production workers in the survey having established minimum job rates, reported a rate of \$1.20 an hour, or more.

In view of this preponderance of the Branch of the Industry which actually confines its wage structure for employees here considered to rates of \$1.20 per hour and higher, I find that the prevailing minimum wage in the Broad-Woven Goods, Yarn and Thread Branch of the Woolen and Worsted Industry, is \$1.20 per hour.

The union wage data contained considerable evidence on minimum wages in plants producing pressed felt and included information with respect to in excess of 3,400 production employees out of a total of 4,167 reported by the 1947 Census of Manufactures in plants making felt goods, including pressed felt. At the April 1953 hearing, the TWUA representative stated that most of the employees in pressed felt plants are organized under the TWUA, and minimum wage rates as high as or higher than \$1.20 per hour are established.

On the record before me, I find that the prevailing minimum wage in the manufacturing or furnishing of pressed felt is \$1.20 per hour.

In application of the "similar work" standard, the BLS data point particularly to four occupations, namely, janitors, battery hands, hand truckers and spinning frame doffers. The job descriptions applicable thereto were developed as a result of the Bureau's extensive experience in making surveys in the Industry and in consultation with labor and management representatives from the Industry.

The four occupations are defined by the Bureau as follows:

**Janitor, excluding machinery cleaners** (day porter, sweeper; charwoman; janitress): Cleans and keeps in an orderly condition factory working areas and wash rooms, or premises of an office, apartment house, or commercial or other establishment. Duties involve a combination of the following: sweeping, mopping and/or scrubbing, and polishing floors; removing chips, trash and other refuse; dusting equipment, furniture, or fixtures; polishing metal fixtures or trimming; providing supplies and minor maintenance services; cleaning lavatories, showers, and rest rooms. Workers who specialize in window washing are excluded.

**Battery hand:** Transfers or loads quills or bobbins of filling to the battery or loading hopper of automatic looms. May convey filling to looms by means of a hand truck.

**Trucker, hand (including bobbin boy):** Pushes or pulls hand trucks, cars or wheelbarrows used for transporting goods and materials of all kinds about a warehouse, manufacturing plant, or other establishment, and usually loads or unloads hand trucks or wheelbarrows. May stack materials in storage bins, etc., and may keep records of materials moved.

**Doffer, spinning frame:** Removes full bobbins of yarn from spindles of ring or cap spinning frames, replaces with empty ones and starts yarn on empty bobbins. May help piece-up broken ends of yarn.

Table 3 reveals the average hourly earnings for 21 occupations in this Industry. These were selected as fairly representative of the whole Industry from the highest to the lowest. It is apparent from this table that janitors, battery hands, hand truckers, and spin-

<sup>2</sup> Production of the Industry, other than by mills in the Broad-Woven Goods Branch and by pressed felt plants, is relatively small, particularly as respects Government contractual procurement. The Industry was awarded 696 contracts from May 1951 through March 1953, having a total value of \$516,023,000. Only one contract totaling \$36,000 is identifiable as not within the Broad-Woven Goods Branch, or for pressed wool felt. On the basis of the record, redetermination is not administratively justified, desirable, or necessary at this time, for the small balance of the Industry.

ning frame doffers are the lowest paid occupations. This comports with the oral testimony. It is apparent from table 15 of exhibit 10-A that 83 percent of the establishments employ workers to perform these tasks under these designations. As this work is generally necessary to the operation of woolen and worsted mills, it is assumed that it is performed in other plants but under other designations. By reason of this fact, precise wage data as to this type of work in the other plants is unavailable, but table 16, indicates that the minimum job rate prevailing in those plants does not vary significantly from that prevailing for this work in the plants which employ this nomenclature. It appears from table 15 that 68.6 percent of the workers in these categories are employed in plants paying none of such workers less than \$1.20 per hour. Such plants comprise 52.8 percent of the 462 establishments in the BLS survey, which plants employ 68.7 percent of the total production workers.

In view of this preponderance of this Branch of the Industry which actually confines its wage structure for this work to rates of \$1.20 per hour and higher, I find that the prevailing minimum wage for battery hands, hand truckers, janitors, and spinning frame doffers, in the Broad-Woven Goods, Yarn and Thread Branch of the Woolen and Worsted Industry is \$1.20 per hour. As these are the lowest paid occupations in this Branch of the Industry, this finding corroborates the finding that \$1.20 is the prevailing minimum wage in this Branch of the Industry as a whole. By necessary implication, the prevailing minimum wages for all other occupations of this Branch are not less than \$1.20 per hour.

**Learners and apprentices.** Though table 12 of exhibit 10-A shows that recognition of a subminimum rate for inexperienced workers is not the prevailing practice in the Industry, it would be inequitable to ignore the practice as to the substantial portion of the Industry in which it does exist because the subminimum rates actually paid such workers have been ignored in the determination that \$1.20 is the prevailing minimum wage. This causes no difficulty, as provision for a tolerance of this type is authorized by section 6 of the act without reference to prevailing practice in the Industry. Nevertheless, I will be guided by prevailing practice in the establishments which recognize such a differential in determining its scope. The majority of such establishments employing the majority of the workers in such establishments observe a difference of 15 cents per hour or less. It is also apparent from table 10 that the \$1.05 rate for the inexperienced worker thus suggested is not unreasonable as 56.3 percent of the plants employing 70.2 percent of the workers have established minimum entrance rates of \$1.05 or more.

Evidence as to the length of the learning period was introduced only by UTWA and TWUA. Both reported a 320 hour learning period provided in their collective bargaining agreements. The evidence reflected utilization of an additional 30 day probationary period at

subminimum rates in some mills, but it appears that this practice is neither uniform nor sufficiently widespread to be recognized in this tolerance, at this time.

I conclude, therefore, that employment of learners and beginners, as such terms are hereinafter defined, at subminimum rates should be authorized, and a wage rate of \$1.05 an hour is an appropriate and reasonable subminimum rate for learners and beginners in the Broad-Woven Goods, Yarn, and Thread Branch of the Woolen and Worsted Industry and in the production of pressed wool felt.

As the present determination does not make any provision for the employment of apprentices at subminimum rates, and no testimony was introduced at the hearing regarding a need for a subminimum rate in the employment of apprentices, the employment of apprentices at a subminimum rate is not authorized.

**Handicapped workers.** The general regulations presently permit employment of handicapped workers at subminimum rates on contract work under the act, and this authorization was not an issue in the proceedings. It appears advisable, however, to include in the determination specific authorization for such employment.

**Fringe benefits.** The Textile Workers Union of America and the United Textile Workers of America recommended that a cost-of-living provision be included in the determination reflecting that provided for in their collective bargaining agreements and, in addition, fringe benefits covered in their contracts. The National Association of Wool Manufacturers vigorously opposed the inclusion of such provisions in any determination.

No determination issued under the Act provides for cost-of-living increases, shift differentials, paid vacations or holidays, insurance or pension plans or any other similar benefits. Such cost-of-living increases as were currently effective as of the time of the BLS survey are necessarily reflected in the data of actual wages paid collected by the Bureau, and necessarily are reflected in the prevailing minimum wages herein found and determined. Shift differentials are increments to the basic wage rates of employees for work performed at hours or under conditions departing from normal. Self-evidently, such differentials may not be accorded weight in the determination of a prevailing minimum wage, which in and of itself does not have the effect of foreclosing employees from receiving the increment of shift differentials if they meet the conditions for their payment. Paid holidays, insurance or pension plans are related to conditions of employment rather than to wages. This is equally true of other so-called fringe benefits. No other conclusion is justified by the record before me, in a proceeding for the determination of prevailing minimum wages in the Woolen and Worsted Industry. For these reasons, I find that the determination should not contain provisions separately relating to fringe benefits, or based upon them.

**Proposed amendment of determination.** Notice is hereby given that, upon the findings and conclusions made and

stated herein, I propose to issue an amendment in this matter as set forth below. Interested parties may submit exceptions thereto within 30 days from publication of this proposed amendment in the FEDERAL REGISTER.

The minimum wage determination for the Woolen and Worsted Industry contained in Section 202.47 (41 Code of Federal Regulations, Part 202), hereby is amended as follows:

1. Section 202.47 (a) is amended to renumber paragraphs (6) and (7) as (7) and (8), respectively; to delete the word "and" before the word "(5)"; to add the words "and (6)" to the enumeration of clauses in renumbered paragraph (8), and to add a new paragraph (6) to read as follows:

(6) The manufacturing of pressed felt made entirely of wool or animal fiber (other than silk);

2. Section 202.47 (b) is amended to read as follows:

(b) **Minimum wage.** (1) The minimum wage for persons employed in the manufacturing or furnishing of the products of the Broad-Woven Goods, Yarn, and Thread Branch of the Woolen and Worsted Industry and Pressed Felt under contracts subject to the Walsh-Healey Public Contracts Act shall be \$1.20 an hour arrived at either on a time or piece rate basis. The Broad-Woven Goods, Yarn, and Thread Branch includes the manufacturing, processing (including all preparatory processing), dyeing or other finishing of any of the following items which are within the scope of the Woolen and Worsted Industry, as defined herein: Broad-Woven fabrics (fabrics over 12 inches in width), yarn, thread, blankets.

(2) The minimum wage for persons employed in the manufacturing or furnishing of the products of the Woolen and Worsted Industry, other than the products of the Broad-Woven Goods, Yarn, and Thread Branch of the Industry and Pressed Felt, under contracts subject to the Walsh-Healey Public Contracts Act shall be \$1.05 an hour, arrived at either on a time or piece rate basis.

(3) Section 202.47 (c) is amended to read as follows:

(c) **Subminimum wages authorized.** (1) Learners and beginners may be employed subject to the following terms and conditions:

(i) In the performance of contracts for the products of the Broad-Woven Goods, Yarn and Thread Branch of the Woolen and Worsted Industry and for Pressed Felt, learners and beginners may be paid a subminimum rate of \$1.05 an hour, unless experienced workers in the same plant are paid on a piece rate basis, in which case learners and beginners must be paid the same piece rates paid to experienced workers, and earnings based upon these piece rates if such earnings are in excess of \$1.05 per hour. In the performance of contracts for products of the Woolen and Worsted Industry, other than the products of the Broad-Woven Goods, Yarn and Thread Branch of the Industry and Pressed Felt, learners and beginners may be paid a subminimum

rate of 90 cents an hour unless experienced workers in the same plant are paid on a piece rate basis, in which case learners and beginners must be paid the same piece rates paid to experienced workers and earnings based upon these piece rates, if such earnings are in excess of 90 cents an hour;

(ii) The permitted length of the learning period for learners and beginners shall be 320 hours unless the learner or beginner has had previous experience in the industry, in which case the number of hours of such experience must be deducted from the 320-hour learning period;

(iii) A learner or beginner for the purpose of this determination is a person who has had less than 320 hours' experience in the industry.

(2) Handicapped workers may be employed at wages below the applicable minimum wages specified herein upon the same terms and conditions as are prescribed for the employment of handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR, Parts 524 and 525), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

Filed at Washington, D. C., this 27th day of January 1954.

JAMES P. MITCHELL,  
Secretary of Labor.

[F. R. Doc. 54-678; Filed, Jan. 29, 1954;  
8:52 a. m.]

## INTERSTATE COMMERCE COMMISSION

[49 CFR Part 110]

### DESTRUCTION OF RECORDS

#### NOTICE OF PROPOSED RULE MAKING

JANUARY 14, 1954.

Having under consideration the matter of "Regulations to Govern the Destruction of Records of Steam Railroads, Issue of 1945," as amended, the Commission by Division 1 has approved changes in the description of records to be retained, and prescribed periods of retention, to bring the regulations governing purchases and stores records into line with those prescribed for similar records in other departments, and to eliminate the requirement that certain records be retained for undue periods of time.

The following modifications have been approved:

In § 110.12 *List of accounts, records, and memoranda, and periods of retention* make the following changes:

1. In item 110, Material ledgers, change the period of retention from 6 years to 4 years in "(a) Records of material and supplies on hand."

2. In item 111, Purchases and sales, cancel the text and period of retention for "(b)", and substitute:

(b) Invoices for materials and supplies purchased whether attached to voucher or filed separately (see items 55c and 111-1), and records and reports of such invoices—10 years.

3. In item 111, Purchases and sales, cancel the text and period of retention for "(1)", and substitute:

(1) Price records of purchases, original file copies of invoices (see item 111-b)—10 years.

4. In item 114, Materials and supplies issued, change period of retention from "Permanent" to 4 years in "(d) Price records of materials and supplies issued, free copies."

5. In item 118, Company fuel, in (b), (c), (d), and (f), change word "coaling" to read "fueling."

Any interested person may on or before April 1, 1954, file with the Commission written views or arguments to be considered in this connection. Unless otherwise decided after consideration of representations so received, an order will be entered making the said changes effective June 1, 1954.

[SEAL] GEORGE W. LAIRD,  
Secretary.

[F. R. Doc. 54-647; Filed, Jan. 29, 1954;  
8:47 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 10, 11, 16, 18]

[Docket No. 10798]

### EQUIPMENT ACCEPTABLE FOR LICENSING; WITHDRAWAL OF CERTIFICATE OF TYPE APPROVAL

#### ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of amendment of Part 2 of the Commission's rules to establish a program for the certification of equipment acceptable for licensing; amendment of Parts 10, 11, and 16 of the Commission's rules to require type acceptance of equipment; amendment of § 18.16 of the Commission's rules to clarify the procedure for withdrawal of type approval.

The Commission having under consideration the petition dated January 21, 1954, filed by the Radio-Electronics-Television Manufacturers Association in the above-entitled proceeding, requesting an extension of time in which to file comments directed to the Commission's notice of proposed rule making in this docket;

It appearing, that good and sufficient reasons have been advanced by the Radio-Electronics-Television Manufacturers Association in its petition for an extension of time in which to file comments in this proceeding, and that the public interest would be served by an extension until April 1, 1954;

It is ordered, That the time for filing comments in the above-entitled proceeding is hereby extended from February 1, 1954, to April 1, 1954.

Adopted: January 26, 1954.

Released: January 26, 1954.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] WM. P. MASSING,  
Acting Secretary.

[F. R. Doc. 54-653; Filed, Jan. 29, 1954;  
8:48 a. m.]

[47 CFR Parts 2, 6, 10, 11]

[Docket No. 10777]

### PUBLIC SAFETY AND INDUSTRIAL RADIO SERVICES

#### ORDER EXTENDING TIME FOR REPLYING TO COMMENTS

In the matter of amendment of Parts 10 and 11 of the Commission's rules governing Public Safety and Industrial Radio Services, respectively, to permit Operational Fixed Stations licensed to a State to provide coordinated service to State agencies for the handling of public safety, administrative and agricultural information traffic on a non-common carrier basis.

The Commission having under consideration the petition dated January 19, 1954, filed by the State of California in the above-entitled proceeding, requesting an extension of time in which to file a reply to the original comments directed to the Commission's notice of proposed rule making in this docket;

It appearing, that good and sufficient reasons have been advanced by the State of California in its petition for an extension of time in which to file a reply to the original comments in this proceeding, and that the public interest would be served by an extension until February 15, 1954; and

It is ordered, That the time for filing replies to the original comments in the above-entitled proceeding is hereby extended from January 25, 1954, to February 15, 1954.

Adopted: January 21, 1954.

Released: January 26, 1954.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] WM. P. MASSING,  
Acting Secretary.

[F. R. Doc. 54-652; Filed, Jan. 29, 1954;  
8:47 a. m.]

## NOTICES

## DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## CANNED CRANBERRY SAUCE

## NOTICE OF PURCHASE PROGRAM, UMP 1813

In order to encourage the consumption of cranberries by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, canned cranberry sauce will be purchased during the period January 25, 1954, to and including February 27, 1954, in instances where surpluses have created serious marketing problems, and subject to limitations imposed by the capacity of available outlets to utilize supplies without waste and by the amount of funds available for such purchases. Information as to this purchase program may be obtained from the Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington 25, D. C.

(Sec. 32, 49 Stat. 774, as amended, 7 U. S. C. and Sup. 612c)

Done at Washington, D. C., this 27th day of January 1954.

[SEAL] S. R. SMITH,  
Director, Fruit and Vegetable  
Division Agricultural Mar-  
keting Service.

[F. R. Doc. 54-658; Filed, Jan. 29, 1954;  
8:49 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 6498]

EMPIRE HOUSEHOLD COMPANY OF NEW YORK, INC. AND EMPIRE FOREIGN AIR FORWARDERS, INC.

## NOTICE OF HEARING

In the matter of the application of Angelo F. Carbone, Alan D. Gould, Mary A. Carbone, Lola R. Gould, Empire Household Company of New York, Inc., and Empire Foreign Air Forwarders, Inc., for an approval pursuant to or an exemption from Section 408 of the Civil Aeronautics Act of 1938, as amended, and an approval of Certain Interlocking Relationships pursuant to Section 409 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on February 4, 1954 at 9:00 a. m., e. s. t., in Room 1205, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., January 27, 1954.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F. R. Doc. 54-664; Filed, Jan. 29, 1954;  
8:50 a. m.]

No. 21—3

## FEDERAL POWER COMMISSION

[Docket No. E-6536]

## ENERGY ACCUMULATION AND EXCHANGE CORP.

## NOTICE OF DECLARATION OF INTENTION

JANUARY 26, 1954.

Public notice is hereby given that Energy Accumulation and Exchange Corporation, of New York, New York, has filed a declaration of intention pursuant to section 23 (b) of the Federal Power Act (16 U. S. C. 817) to construct a hydroelectric development (Docket No. E-6536), to be known as the Accumex Project, on the shore of Lake Erie near the village of Brocton in Chautauqua County, New York, consisting of an initial installation of 5 "specially" designed pump-turbines serving as motors and generators having combined capacity of 400,000 kw and an ultimate installation of 24 units having a total installed capacity of 1,920,000 kw operating under a head of 800 feet with an hydraulic capacity of 1500 cfs per unit connected by means of 10-foot or possibly 12-foot diameter penstocks about 4 miles long to a reservoir formed by two natural slopes and two artificial dams closing a valley called either Bear Lake Valley or Stockton Valley, the reservoir having an area of some 7,000 acres and a maximum total and usable storage capacity of 500,000 acre feet at Elevation 1390 within a draw-down level of 70 to 75 feet. The South Dam would be of a gravity type rock-fill and earth design about 100 feet high and about 7,200 feet long. The North Dam located near the escarpment on the Lake Erie side would be about 60 to 90 feet high and 6,000 feet long and would comprise the valve gallery and auxiliaries. Aggregate and earth for construction needs are near the site. Plans for construction of transmission lines will be determined later.

The Commission will investigate the proposed construction and determine whether a license under the Federal Power Act is required or whether the project may be constructed merely upon compliance with State law.

Any communication from persons interested in this matter may be submitted within 30 days from publication of this notice to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 54-639; Filed, Jan. 29, 1954;  
8:45 a. m.]

[Docket No. G-1952]

## UNITED FUEL GAS CO.

## NOTICE OF ORDER AMENDING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JANUARY 26, 1954.

Notice is hereby given that on January 21, 1954, the Federal Power Commission

issued its order adopted January 20, 1954, amending order issued May 1, 1953 (18 F. R. 2674) issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 54-640; Filed, Jan. 29, 1954;  
8:45 a. m.]

[Docket No. G-2356]

## EL PASO NATURAL GAS CO.

## NOTICE OF APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JANUARY 26, 1954.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation having its principal place of business in El Paso, Texas, filed, on January 18, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities, subject to the jurisdiction of the Commission, and described as follows:

(1) Approximately 32.5 miles of 10 3/4-inch OD transmission pipeline, extending from the downstream side of Barnhart's gasoline plant in Reagan County, Texas, to a point of connection on Applicant's 20-inch Upton County line, in Section 47 Block Y of G. C. & S. F. Railroad Company Survey, Upton County, Texas.

(2) A metering station to be known as Barnhart Purchase Meter Station for metering of gas purchased from Barnhart gasoline plant referred to in (1) above.

The application recites the described facilities are necessary for the purpose of purchasing and acquiring 20,000 Mcf of natural gas daily from Barnhart Hydrocarbon Corporation in Reagan County, Texas. The estimated cost of the proposed facilities is \$798,603.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 15th day of February 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 54-641; Filed, Jan. 29, 1954;  
8:45 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10512, 10513, 10514]

## SCRIPPS-HOWARD RADIO, INC., ET AL.

## ORDER CONTINUING HEARING

In re applications of Scripps-Howard Radio, Inc., Knoxville, Tennessee, Docket No. 10512, File No. BPCT-630; Radio Station WBIR, Inc., Knoxville, Tennessee,

see, Docket No. 10513, File No. BPCT-686; Tennessee Television, Inc., Knoxville, Tennessee, Docket No. 10514, File No. BPCT-1002; for television construction permits (channel 10).

The further hearing tentatively scheduled for February 1, 1954, at 2:00 p. m. (Transcript 3306) is now scheduled for Thursday, February 4, 1954, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

Dated: January 25, 1954.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] WM. P. MASSING,  
Acting Secretary.

[P. R. Doc. 54-650; Filed, Jan. 29, 1954;  
8:47 a. m.]

[Docket Nos. 10559, 10560]

GULF COAST BROADCASTING CO. AND BAPTIST  
GENERAL CONVENTION OF TEXAS

ORDER CONTINUING HEARING

In re applications of Gulf Coast Broadcasting Company, Corpus Christi, Texas, Docket No. 10559, File No. BPCT-723; Baptist General Convention of Texas, Corpus Christi, Texas, Docket No. 10560, File No. BPCT-906; for construction permits for new television broadcast stations.

Having under consideration an oral motion for continuance of the further hearing now scheduled for January 28, 1954;

It appearing that due to unusual circumstances the applicants have been unable to assemble the data necessary for hearing upon the issue which was added by order of the Examiner on December 24, 1953; and

It further appearing that all parties have joined in the request for a continuance;

It is ordered, This 25th day of January 1954, that the hearing is continued from January 28, 1954, to February 9, 1954, at 10:00 a. m.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] WM. P. MASSING,  
Acting Secretary.

[P. R. Doc. 54-651; Filed, Jan. 29, 1954;  
8:47 a. m.]

[Docket Nos. 10800, 10801]

BEACHVIEW BROADCASTING CORP. AND  
PORTSMOUTH RADIO CORP.

ORDER SCHEDULING HEARING

In re applications of Beachview Broadcasting Corporation, Norfolk, Virginia; Docket No. 10800, File No. BPCT-1605; Portsmouth Radio Corporation, Portsmouth, Virginia; Docket No. 10801, File No. BPCT-1750; for construction permits for new television stations.

It is hereby ordered, This 25th day of January 1954, that the hearing conference pursuant to § 1.841 in the above-entitled matter, heretofore postponed indefinitely, be resumed at 1 p. m., e. s. t.,

January 29, 1954, in the Commission's offices in Washington, D. C.

Released: January 26, 1954.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] WM. P. MASSING,  
Acting Secretary.

[P. R. Doc. 54-649; Filed, Jan. 29, 1954;  
8:47 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3175]

MISSISSIPPI POWER & LIGHT CO.

ORDER REGARDING SALE OF PREFERRED STOCK  
AT COMPETITIVE BIDDING.

JANUARY 26, 1954.

A declaration having been filed with this Commission by Mississippi Power & Light Company ("Mississippi"), a public utility subsidiary of Middle South Utilities, Inc., a registered holding company, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act"), and Rule U-50, promulgated thereunder, with respect to transactions, which are summarized as follows:

The declarant proposes to issue and sell to the public 60,000 shares of a new class of Preferred Stock (\$100 par value), to provide funds for its 1954 construction program and other corporate purposes.

Mississippi contemplates expenditures of approximately \$7,000,000 in the year 1954 in connection with its program for the construction of new facilities and the extension and improvement of its present facilities to provide electric service to its customers. The company desires to obtain a portion of the funds with which to carry forward such program and funds for other corporate purposes through the issuance and sale of preferred stock and believes that it is desirable to obtain said funds by such means. The company's charter now authorizes 100,000 shares of \$6 Preferred Stock, of which 44,476 shares are issued and outstanding. Mississippi intends to amend its charter by appropriate corporate action, to authorize 60,000 shares of a new class of preferred stock and establish its characteristics, and to authorize the issuance and sale of said 60,000 shares to the public.

The dividend rate, to be a multiple of  $\frac{1}{2}$  of 1 percent and the price of the New Preferred Stock to be paid the company, to be not less than \$100 nor more than \$102.75 per share plus accrued dividends, will be fixed by proposals to be invited by the company pursuant to the requirements of the Commission's Rule U-50 and the company will reserve the right to reject any or all proposals at or after the opening thereof. Declarant has requested that the Commission's order herein be issued on January 26, 1954.

Fees and expenses to be paid by the company, other than underwriters' commissions, are estimated as follows:

|                                                    |            |
|----------------------------------------------------|------------|
| Federal stamp tax.....                             | \$6,600.00 |
| Filing fee Securities and Exchange Commission..... | 616.50     |
| Fees of transfer agent and registrar.....          | 1,500.00   |

Fees of company's counsel:

|                                                    |            |
|----------------------------------------------------|------------|
| Green, Green and Cheney.....                       | \$4,250.00 |
| Reid & Priest.....                                 | 8,500.00   |
| Auditors' fees.....                                | 2,500.00   |
| Printing, including Form S-1, prospectus, etc..... | 16,000.00  |
| Printing and engraving securities.....             | 600.00     |
| Miscellaneous expense.....                         | 7,433.50   |

Total expenses..... 48,000.00

It further appearing that the proposed fee of Winthrop, Stimson, Putnam & Roberts, counsel for the underwriters, which is to be paid by the successful bidders, is \$4,500.00;

Due notice having been given of the filing of the declaration and a hearing not having been requested of, or ordered by, the Commission, and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, that no adverse findings are necessary, and that the fees and expenses, as estimated, are not unreasonable, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration, as amended, be permitted to become effective, forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[P. R. Doc. 54-645; Filed, Jan. 29, 1954;  
8:46 a. m.]

[File No. 70-3180]

CAMBRIDGE ELECTRIC LIGHT CO.

NOTICE OF PROPOSED BANK LOAN

JANUARY 25, 1954.

Notice is hereby given that Cambridge Electric Light Company ("Applicant"), an electric utility subsidiary of New England Gas and Electric Association, a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating section 6 (b) of the act as applicable to the proposed transaction, which is summarized as follows:

Applicant proposes to borrow, from time to time on notes payable to The First National Bank of Boston, funds not exceeding in the aggregate \$2,750,000, the notes to mature more than one year after date thereof but not later than June 30, 1955, and to bear interest at the prime Boston rate for commercial paper plus  $\frac{1}{4}$  of 1 percent, with a maximum of  $3\frac{1}{2}$  percent and a minimum of 3 percent, the interest rate to be adjusted every ninety days in the event of a change in the prime rate.

The purpose of said borrowing is to repay notes payable, aggregating \$500,000, to The First National Bank of Boston, due December 31, 1954, bearing interest at the rate of  $3\frac{1}{4}$  percent per annum, incurred for the purpose of temporarily financing additions to Appli-

cant's property, plant and equipment. The balance of the borrowing, \$2,250,000, will be used to partially reimburse the Plant Replacement Fund for expenditures made therefrom to finance extensions, additions and improvements to property, plant and equipment.

Applicant's expenses are estimated at \$800, including \$150 for legal services.

The proposed borrowing has been approved and authorized by order issued on January 11, 1954, by the Department of Public Utilities of Massachusetts, in which State the Applicant is organized and doing business.

It is requested that the Commission's order be made effective upon issuance.

Notice is further given that any interested person may, not later than February 12, 1954, at 5:30 p. m., e. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[P. R. Doc. 54-644; Filed, Jan. 29, 1954;  
8:46 a. m.]

[File No. 70-3182]

# SUBURBAN ELECTRIC CO.

## NOTICE OF FILING REGARDING SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING

JANUARY 26, 1954.

Notice is hereby given that Suburban Electric Company ("Suburban"), a public-utility subsidiary of New England Electric System ("NEES"), a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 ("act"), Applicant has designated Section 6 (b) of the act and Rules U-42 (b) (2) and U-50 thereunder as applicable to the proposed transactions which are summarized as follows:

Suburban proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, \$4,000,000 principal amount of its First Mortgage Bonds, Series A, due 1984. The price of the bonds which shall be not less than the principal amount nor more than 102¾ percent thereof and the interest rate which shall be a multiple of ⅛ of 1 percent and not in excess of 4½ percent will be determined by competitive bidding.

The proceeds from the sale of the bonds will be applied to the payment of short-term note indebtedness, and the balance, if any, will be used to pay for capitalizable expenditures or to reimburse the treasury therefor. Suburban presently has outstanding \$3,800,000 principal amount of short-term notes of which \$1,300,000 principal amount is payable to banks and \$2,500,000 principal amount is payable to NEES.

Suburban is organized and doing business in The Commonwealth of Massa-

chusetts and represents that the sale of its bonds is subject to the approval of the Department of Public Utilities of that State.

The expenses to be incurred in connection with the issue and sale of the bonds are estimated by Suburban to amount to \$56,000, including \$20,000 for services, at cost, of New England Power Service Company, an affiliated service company, and \$5,000 for accounting services.

Suburban requests that the Commission's order become effective upon issuance.

Notice is further given that any interested person may, not later than February 15, 1954, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[P. R. Doc. 54-646; Filed, Jan. 29, 1954;  
8:46 a. m.]

